

EXHIBIT C

EXCERPTS FROM DEPOSITION OF
MITCHELL CHASIN, M.D.
(November 2, 2017)

DR. MITCHELL CHASIN

Page 1

1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF NEW JERSEY

3 CASE NO. 3:16-cv-08523-FLW-TJB

4
5 NEW REFLECTIONS PLASTIC :

SURGERY, LLC,

6 : VIDEOTAPED

Plaintiff,

DEPOSITION OF:

7 :

-against-

MITCHELL CHASIN,

8 :

M.D.

REFLECTIONS CENTER FOR SKIN

9 AND BODY, PC, :

10 Defendant. :

X

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13
14
15 TRANSCRIPT of testimony as taken by and

16 before SEVA FLICSTEIN, Certified Court Reporter,

17 Registered Merit Reporter, Certified Realtime

18 Reporter, at the law offices of LERNER DAVID

19 LITTENBERG KRUMHOLZ & MENTLIK, LLP, located at

20 600 South Avenue West, Westfield, New Jersey, on

21 Thursday, November 2, 2017, commencing at 2:04

22 in the afternoon.
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24
25

DR. MITCHELL CHASIN

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 MEREDITH & KEYHANI, PLLC</p> <p>4 BY: DARIUS KEYHANI, ESQ.</p> <p>5 205 Main Street</p> <p>6 East Aurora, New York 14052-1634</p> <p>7 dkeyhani@meredithkeyhani.com</p> <p>8 212-380-1325</p> <p>9 Attorneys for Plaintiff</p> <p>10</p> <p>11 LERNER DAVID LITTENBERG</p> <p>12 KRUMHOLZ & MENTLIK, LLP</p> <p>13 BY: GREGG A. PARADISE, ESQ.</p> <p>14 600 South Avenue West</p> <p>15 Westfield, New Jersey 07090</p> <p>16 gparadise@ldlkm.com</p> <p>17 908-654-5000</p> <p>18 Attorneys for the Defendant</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 THURSDAY, NOVEMBER 2, 2017</p> <p>2 WESTFIELD, NEW JERSEY</p> <p>3 * * *</p> <p>4 THE VIDEOGRAPHER: Good afternoon.</p> <p>5 We are going on the record at approximately</p> <p>6 2:04 p.m. on November 2, 2017. Please note that</p> <p>7 the microphones are sensitive and may pick up</p> <p>8 whispering and private conversations. Please</p> <p>9 turn off all cell phones or place them away from</p> <p>10 the microphones as they can interfere with the</p> <p>11 deposition audio. Audio and video recording</p> <p>12 will continue to take place unless all parties</p> <p>13 agree to go off the record.</p> <p>14 This is media unit 1 of the</p> <p>15 video-recorded deposition of Dr. Mitchell</p> <p>16 Chasin, taken by counsel for the plaintiff, in</p> <p>17 the matter of New Reflections Plastic Surgery</p> <p>18 LLC versus Reflections Center for Skin and Body</p> <p>19 PC, filed in the U.S. District Court, District</p> <p>20 of New Jersey, Case No. 3:16-CV-08523-FLW-TJB.</p> <p>21 The deposition is being held at</p> <p>22 Lerner David Littenberg Krumholz & Mentlik,</p> <p>23 located at 600 South Avenue, Westfield,</p> <p>24 New Jersey.</p> <p>25 My name is Jim Roberts from</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS EXAMINATION</p> <p>4 MITCHELL CHASIN, M.D.</p> <p>5 By Mr. Keyhani 06</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 NUMBER DESCRIPTION PAGE</p> <p>9 Exh P1 Notice of Deposition of Reflections 09</p> <p>10 Center for Skin and Body, PC,</p> <p>11 Under Rule 30(b)(6)</p> <p>12 Exh P2 Documents Bates-stamped Reflec- 42</p> <p>13 0000005 through Reflec-0000010,</p> <p>14 Reflec-0000013 through</p> <p>15 Reflec-000024</p> <p>16 Exh P3 Registration 61</p> <p>17 Exh P4 Registrations 65</p> <p>18</p> <p>19 Exh P5 Trademark Electronic Search 69</p> <p>20 System document</p> <p>21 Exh P6 Document printed from the public 72</p> <p>22 records of the U.S. Patent and</p> <p>23 Trademark Office</p> <p>24 Exh P7 September 12, 2016 letter to 86</p> <p>25 Nikesh K. Patel, M.D., from</p> <p>Gregg A. Paradise</p> <p>Exh P8 Profit & Loss Statement 101</p> <p>INFORMATION/DOCUMENTS REQUESTED</p> <p>PAGE 41 LINE 05</p>	<p style="text-align: right;">Page 5</p> <p>1 Veritext New York City, I am the videographer.</p> <p>2 The court reporter is Seva Flicstein, also with</p> <p>3 Veritext. I am not authorized to administer an</p> <p>4 oath. I am not related to any party in the</p> <p>5 action, nor am I financially interested in the</p> <p>6 outcome.</p> <p>7 Counsel will now state their</p> <p>8 appearances and affiliations for the record. If</p> <p>9 there are any objections to proceeding, please</p> <p>10 state them at the time of your appearance,</p> <p>11 beginning with noticing counsel.</p> <p>12 MR. KEYHANI: Darius Keyhani of</p> <p>13 Meredith & Keyhani, representing the plaintiff,</p> <p>14 New Reflections Plastic Surgery LLC.</p> <p>15 MR. PARADISE: Gregg Paradise of</p> <p>16 Lerner David Littenberg Krumholz & Mentlik,</p> <p>17 representing the defendant and counterclaim</p> <p>18 plaintiff.</p> <p>19 THE VIDEOGRAPHER: The court</p> <p>20 reporter will please swear in the witness.</p> <p>21 MITCHELL CHASIN, M.D.,</p> <p>22 residing at 299 East Northfield Road,</p> <p>23 Livingston, New Jersey 07039, having been</p> <p>24 duly sworn by the Certified Court</p> <p>25 Reporter, testifies as follows:</p>

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DR. MITCHELL CHASIN

<p style="text-align: right;">Page 6</p> <p>1 -----</p> <p>2 EXAMINATION</p> <p>3 -----</p> <p>4 BY MR. KEYHANI:</p> <p>5 Q. Good afternoon.</p> <p>6 A. Good afternoon.</p> <p>7 Q. Through the deposition I can call</p> <p>8 you Dr. Chasin?</p> <p>9 A. Yes.</p> <p>10 Q. Fine. Dr. Chasin, can you tell us</p> <p>11 how you prepared for the deposition today?</p> <p>12 A. I met with my attorney and we had</p> <p>13 discussions regarding what to expect.</p> <p>14 Q. When did you meet with your</p> <p>15 attorney?</p> <p>16 A. Before the deposition was</p> <p>17 canceled, probably a week before they canceled</p> <p>18 the deposition. So A few weeks ago.</p> <p>19 Q. When you say your attorney you are</p> <p>20 speaking about the attorney present --</p> <p>21 A. Yes.</p> <p>22 Q. -- in the room today?</p> <p>23 Did you meet with anybody else in</p> <p>24 preparation for the deposition?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 8</p> <p>1 lunch.</p> <p>2 A. I came an hour before and spoke</p> <p>3 with my attorney.</p> <p>4 Q. Did you review any documents in</p> <p>5 preparation for the deposition today?</p> <p>6 A. Review any documents. He did not</p> <p>7 present me with any documents to look at, no.</p> <p>8 Q. Well, I guess my question was did</p> <p>9 you look at any documents? Whether it was with</p> <p>10 him or by yourself in preparing --</p> <p>11 A. Some of the things we sent to you,</p> <p>12 such as our profit and loss statement, I had in</p> <p>13 front of me, my own records. But the attorneys</p> <p>14 did not present me with any documents to review.</p> <p>15 Q. Besides the profit and loss</p> <p>16 statements that you mentioned, anything else you</p> <p>17 reviewed in preparation for this deposition?</p> <p>18 A. No, no.</p> <p>19 Q. Do you understand that you are</p> <p>20 appearing today at this deposition in your</p> <p>21 individual capacity, and also as the designated</p> <p>22 30(b)(6) witness on behalf of your company</p> <p>23 Reflections Center for Skin and Body? Do you</p> <p>24 understand that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. How long did you prep?</p> <p>2 A. Two hours.</p> <p>3 Q. Did you have any other meetings in</p> <p>4 connection with preparation?</p> <p>5 A. I have no other counsel.</p> <p>6 Q. Yeah. I just meant did you have</p> <p>7 any other meetings with your current counsel in</p> <p>8 connection with preparing for the deposition?</p> <p>9 A. No. That is the only meeting that</p> <p>10 we had.</p> <p>11 Q. No meetings today or yesterday?</p> <p>12 A. I showed up today for the</p> <p>13 deposition.</p> <p>14 Q. I just wonder if you had prepared</p> <p>15 at all additionally today before the</p> <p>16 deposition?</p> <p>17 A. I showed up an hour before the</p> <p>18 deposition and sat with the attorney.</p> <p>19 Q. And did some additional</p> <p>20 preparation?</p> <p>21 A. Your definition is preparation.</p> <p>22 If you'd like to -- I met and spoke with</p> <p>23 attorney today.</p> <p>24 Q. I'm not defining it. I was just</p> <p>25 asking, maybe you didn't, maybe you just had</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. Not to be repetitive or to be</p> <p>2 boring, but do you know what a 30(b)(6) --</p> <p>3 A. No.</p> <p>4 Q. -- witness is?</p> <p>5 And I will just put it on the</p> <p>6 record, and if your attorney has any issue with</p> <p>7 that. You are basically speaking on behalf of</p> <p>8 the company as a legal matter. And whatever you</p> <p>9 say, your company is to be held to to the extent</p> <p>10 it's consistent with the notice provided today.</p> <p>11 A. Okay.</p> <p>12 Q. Along those lines, I will provide</p> <p>13 you what is the notice of the 30(b)(6)</p> <p>14 deposition for your review. I will give a copy</p> <p>15 for you to look at and to your counsel.</p> <p>16 MR. PARADISE: Are you going to</p> <p>17 mark that as an exhibit?</p> <p>18 MR. KEYHANI: Yes. Please mark</p> <p>19 this.</p> <p>20 (Exhibit P-1, Notice of Deposition</p> <p>21 of Reflections Center for Skin and Body, PC,</p> <p>22 Under Rule 30(b)(6), was marked for</p> <p>23 identification.)</p> <p>24 BY MR. KEYHANI:</p> <p>25 Q. If you don't mind, take a few</p>

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<p style="text-align: right;">Page 26</p> <p>1 medicine, you were perfectly qualified to 2 provide those services -- 3 A. Yes. 4 Q. -- fully? 5 A. Yes. 6 MR. PARADISE: Dr. Chasin, if you 7 could just try to let Mr. Keyhani finish his 8 question and then answer. I am seeing grimaces 9 from the court reporter. 10 THE WITNESS: Okay. 11 BY MR. KEYHANI: 12 Q. And you said the name of the 13 practice was called Priority Medical -- 14 A. Priority Medical Care. 15 Q. And that was based out of what 16 town? 17 A. Bridgewater, New Jersey. 18 Q. Did you do any cosmetic work in 19 that practice? 20 A. Define "cosmetic work." 21 Q. Well, did you do face lifts or 22 some kind of laser treatment? 23 A. We didn't do -- 24 Q. You are the doctor so -- any kind 25 of skin cosmetic work did you do?</p>	<p style="text-align: right;">Page 28</p> <p>1 the time? 2 A. Reflections Center for Skin and 3 Body. 4 Q. Was there a sign outside the 5 building or in the office that said Reflections 6 Center for Skin and Body? 7 A. Yes. 8 Q. So when you walked into the office 9 were there two signs, one that said Priority 10 Medical Care, one said Reflections Skin Center 11 for Skin and Body? 12 A. There were two separate signs, 13 yes. 14 Q. At the same front desk that you 15 walked in? 16 A. The front of the building had two 17 separate signs and two separate entrances. 18 Q. On the same floor? 19 A. On the same floor. 20 Q. And did you work in these two 21 practices at the same time? Like, you moved 22 between the two sides of the floor, for example? 23 See one patient, for example, that had an urgent 24 medical care issue, and then you'd walk across 25 and go to the side to deal with --</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Skin cosmetic work, yes. 2 Q. What kind of skin cosmetic work 3 did you do at that urgent care practice? 4 A. The urgent care practice was one 5 part of that practice. There was another part 6 of that practice that was developed called 7 Reflections Center for Skin and Body. So as 8 part of Reflections Skin and Body, there were 9 cosmetic treatments that were performed. 10 Q. That was a separate -- 11 A. A d/b/a. It was a d/b/a. 12 Q. Please let me finish my questions, 13 kindly. 14 Was that a separate business 15 housed in the same office? 16 A. Describe business -- what is a 17 business? 18 Q. Well, was it a separate practice 19 housed in the same building? Did you provide 20 those services in the same building? 21 A. Those services were initially 22 performed -- yes. The services were provided in 23 the same building, yes. 24 Q. Did the name Reflections -- did 25 you say Reflections Skin? What was it called at</p>	<p style="text-align: right;">Page 29</p> <p>1 A. For a period of time. 2 Q. For what period of time? 3 A. I don't remember exactly. But it 4 was a period of time that I saw patients in the 5 medical as well as the cosmetic side of the 6 practice. And then it became primarily the 7 cosmetic part of the practice, my time. 8 Q. When did you start using -- when 9 did you start -- when did you come up with that 10 name and start using the name -- break it up 11 into two parts. 12 When did you start using the name 13 Reflections Center for Skin and Body in that 14 practice? 15 A. Approximate year 2000. 16 Q. So from 1989 through about 2000, 17 Priority Medical Care was not doing any cosmetic 18 work, it was focused on, as you call it, urgent 19 medical care? 20 A. I can't say that it did no 21 cosmetic work. We might have done cosmetic work 22 during that -- 23 Q. But there was no Reflections Skin 24 Center? 25 A. Correct.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. What type of cosmetic work would 2 you have done between 1989 and 2000 before 3 you --</p> <p>4 A. Skin disease, suturing repair of 5 wounds. A multitude of skin issues.</p> <p>6 Q. Any plastic surgery did you do at 7 that time?</p> <p>8 A. Describe plastic surgery for me, 9 define it. What a layperson defines may be 10 different.</p> <p>11 Q. Sure. Fair enough. Did you do 12 any type of invasive medical procedures on the 13 face or body for aesthetic purposes?</p> <p>14 A. Suturing was an aesthetic medical 15 procedure on the face and body. We did that, 16 yes.</p> <p>17 Q. You would agree that suturing is 18 not always --</p> <p>19 A. Aesthetic?</p> <p>20 Q. -- aesthetic?</p> <p>21 A. Suturing is always aesthetic.</p> <p>22 Q. In your view, suturing is always 23 aesthetic?</p> <p>24 A. Suturing should be aesthetic on 25 the face; hopefully it is.</p>	<p style="text-align: right;">Page 32</p> <p>1 hands-on -- hands-on training in a variety of 2 different things about the human body.</p> <p>3 Q. Okay. I am trying to get some 4 chronology here. After that, did -- you didn't 5 do any fellowships, medical fellowships, after 6 your family medicine residency, did you?</p> <p>7 A. No.</p> <p>8 Q. You didn't do any additional 9 residencies after your family medicine 10 residency?</p> <p>11 A. No.</p> <p>12 Q. You are not a plastic surgeon?</p> <p>13 A. No.</p> <p>14 Q. You are not board-certified in 15 plastic surgery?</p> <p>16 A. No.</p> <p>17 Q. Did you ever do any residency in 18 surgery, general surgery?</p> <p>19 A. No.</p> <p>20 Q. Did you do any other residency in 21 any other specialty or practice other than your 22 residency in family medicine?</p> <p>23 A. No.</p> <p>24 Q. So now you spoke about much 25 training. Can you tell me your first or your</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Do you believe suturing is a 2 cosmetic procedure?</p> <p>3 A. Repair of a skin wound on the face 4 is a cosmetic procedure, yes. Should be.</p> <p>5 Q. So you said that around 2000 is 6 when you -- it was about 2000 when you started 7 to use the name Reflections Center for Skin and 8 Body, and you put a sign up at that time at this 9 office?</p> <p>10 A. I don't remember when the sign was 11 installed, but we started to use that name right 12 around the year 2000.</p> <p>13 Q. Now, you indicated that you did 14 your residency in family medicine. And after 15 that what other training in the medical 16 procedures did you obtain or medical practice 17 did you obtain after your residency in family 18 medicine?</p> <p>19 A. What other training in family 20 medicine post -- can you --</p> <p>21 Q. Any medical training?</p> <p>22 A. Any medical training?</p> <p>23 Q. Yes. Let's start with --</p> <p>24 A. Hundreds of conferences, dozens of 25 preceptorships, a multitude of</p>	<p style="text-align: right;">Page 33</p> <p>1 first few types of training you did after --</p> <p>2 A. If I can go back. I have titles 3 of fellow in different organizations.</p> <p>4 Q. But my question was very specific, 5 if you did a fellowship. And you know what that 6 means in your practice, in --</p> <p>7 A. Tell me what it means and I will 8 know how to answer.</p> <p>9 Q. Why don't you tell me for the 10 record so there is no confusion, what is a 11 medical fellowship for medical doctors?</p> <p>12 A. There is a residency -- there is a 13 residency -- there is residency, there's 14 fellowship, and then there are fellowship in 15 organizations.</p> <p>16 Q. Understood.</p> <p>17 A. I want to be clear.</p> <p>18 Q. I am talking about residency, 19 fellowship. And then we can leave aside 20 fellowship in organizations, which is a separate 21 category, you would agree, right?</p> <p>22 A. Yes. I just wanted to be clear.</p> <p>23 Q. I appreciate that. Because we 24 don't want to have any confusion for the record. 25 So after your family -- your</p>

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<p style="text-align: right;">Page 38</p> <p>1 platelet-rich plasma which is injected 2 underneath the skin. There are procedures that 3 involve processing of fat into components 4 injected underneath the skin. There are 5 procedures for leg veins that are provided 6 underneath skin. I can keep on going on and on. 7 Q. That's fine. Thank you. 8 A. These are minimally invasive. 9 Q. And you are under local anesthetic 10 for these procedures? 11 A. Yes. Everything is under local 12 anesthetic if anesthesia is necessary. 13 Q. Thank you. Who came up with the 14 term Reflections? 15 A. I did. 16 Q. When did you come up with that 17 term? 18 A. Somewhere around the year 2000. I 19 don't know exactly. 20 Q. Did you ever use the term by 21 itself or did you only use it in connection with 22 the name Reflections Center for Skin and Body? 23 A. Reflections as an abbreviation of 24 the term I'm sure has been used, I've used. 25 Q. On marketing materials at your</p>	<p style="text-align: right;">Page 40</p> <p>1 that terminology as Reflections. 2 Q. Do you believe you have any 3 documentation -- I'm not finished with my 4 question, please. 5 Do you believe you have any 6 documentation, not on you right now but 7 anywhere, where you only use the term 8 Reflections in connection with your practice or 9 services by itself? 10 A. I haven't searched for it. I 11 haven't been asked to search for it. I haven't 12 searched for it. 13 Q. But you may very well have that? 14 A. I don't know. It certainly would 15 be something that we would use and talk about as 16 a descriptor for the practice. But in terms of 17 maintaining old documents, I would have to look. 18 I just don't know. 19 Q. I believe you were asked for it. 20 So I would like to make a point on the record 21 that we would like any documentation, production 22 of any documentation of any marketing, 23 advertising, letterhead, or any other documents 24 that use the term Reflections by itself in 25 connection with products or services that you</p>
<p style="text-align: right;">Page 39</p> <p>1 office? On business cards? 2 A. Business cards normally it would 3 be Reflections Center for Skin and Body. But 4 Reflections is a term that would commonly be 5 used as a shortcut to that, as a descriptor of 6 the name. 7 Q. Did you use that -- do you 8 recollect using that in any particular marketing 9 material? When I say "that" I mean the word 10 just "Reflections" by itself. 11 A. I can't tell you exactly which 12 document. But it wouldn't -- it would be -- it 13 wouldn't be an unusual thing to use the title 14 Reflections rather than the full wording -- 15 Q. But you don't recall -- 16 A. -- rather than the full 17 descriptor. So it would not be unusual to use 18 the term Reflections to describe our office. 19 Q. Do you recall -- do you have any 20 documentations or recall any time that you 21 specifically used the term Reflections by 22 itself? 23 A. I don't have documentation on me. 24 But that would be a common thing for us to do, 25 to speak about our office as Reflections, to use</p>	<p style="text-align: right;">Page 41</p> <p>1 offer. 2 MR. PARADISE: And we'll take that 3 request under advisement. 4 MR. KEYHANI: Thank you. 5 (REQUEST) 6 BY MR. KEYHANI: 7 Q. You said on or about 2000 you came 8 up with the term Reflections to be used in 9 connection with Reflections Center for Skin and 10 Body as a name for this practice that you 11 described. Is that correct? 12 A. Yes. 13 Q. At that time did you register any 14 trademark for that -- for the name Reflections 15 Center for Skin and Body? 16 A. Yes. 17 Q. Where did you register that? 18 A. In New Jersey. 19 Q. Did you register that or did 20 somebody else? 21 A. We had a law firm do that. 22 Q. Now, there are some documents that 23 you've produced that show some assignment of the 24 term Reflections, the trademark that you 25 registered in New Jersey to various entities.</p>

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<p style="text-align: right;">Page 54</p> <p>1 year ago. Right? This is last year. 2 A. Are you asking if it 3 is -- 11/1/16. 4 Q. Yeah. I guess -- 5 A. A year. 6 Q. You don't remember. That's not 7 very long ago. Is there any reason why you 8 don't think you would remember signing it? 9 A. I don't have the memory. I sign a 10 lot of forms. If you ask me what it is, it is 11 assignment from Reflections of Livingston to 12 Reflections Center for Skin and Body. 13 Q. Do you know why you would have 14 done this, to assign from Reflections of 15 Livingston -- 16 A. These are two entities of which I 17 have ownership, or had ownership, I should say. 18 Had or have. 19 Q. Do you own an entity called 20 Reflections of Livingston LLC right now? 21 A. I think -- we have two locations. 22 One location was Reflections of Livingston in 23 Livingston under the -- I think it's one parent 24 company now, Reflections Center for Skin and 25 Body.</p>	<p style="text-align: right;">Page 56</p> <p>1 something that you did or was that something 2 your partner did? Your partner being 3 Dr. Brodrick. 4 A. Our attorneys filed. 5 Q. I understand. But was that at 6 your request? Was it at your partner's 7 request? 8 A. I don't recollect. 9 Q. Do you know if your partner, 10 Dr. Brodrick, had any interest in the trademark 11 Reflections? 12 MR. PARADISE: Objection to form. 13 Q. Economic interest? Money interest 14 in it? Did he have ownership in it? 15 A. At the time -- at the time he was 16 a 50 percent partner. 17 Q. Do you know when this was 18 assigned, and again, this is a 2011 document we 19 are looking at, 02 -- page 22, Bates number 22, 20 did you pay him any money or any other 21 consideration for him to transfer this over or 22 to sign this transfer? 23 MR. PARADISE: Objection to form. 24 A. No. 25 Q. You did not?</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. So you believe you own an entity 2 called Reflections of Livingston LLC? 3 A. Reflections of Livingston is an 4 entity that I definitely owned. I don't know if 5 it's an active thing or if they've been merged 6 into one, one entity. So I was a sole owner, at 7 least at one point, of Reflections of 8 Livingston. 9 Q. And you don't know why you may 10 have transferred a trademark between the two 11 entities? 12 A. I would think at the advice of 13 counsel. 14 Q. What kind of services does 15 Reflections of Livingston LLC provide or 16 provided? Because you don't know if you 17 still -- 18 A. Same -- same services as we 19 described before. 20 Q. The same services that Reflections 21 Center for Skin and Body provides? 22 A. Correct. 23 Q. Originally when you -- when the 24 registration -- a New Jersey registration was 25 filed for the word Reflections, was that</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Not to my recollection, no. 2 Q. Did you ask him to sign this 3 document? 4 A. Not to my recollection. I don't 5 remember this document being signed. 6 Q. Do you know if you did -- you or 7 your attorneys at the time that -- I say your 8 attorneys, the attorneys for the entity Priority 9 Medical Care PA, which was in existence at the 10 time that this registration, New Jersey 11 registration 20852, was filed for, do you know 12 if any search was done, any trademark search was 13 done at that time? 14 A. Prior to filing for a 15 registration? 16 Q. Yes. 17 A. You are asking me what does an 18 attorney do before they file? How would I -- 19 Q. I asked did you do a search or did 20 you ask your attorney or anybody else who 21 requested that search on behalf of your 22 practice, asked for a -- 23 A. We asked our attorneys -- we had 24 interest in a name and asked if that's something 25 that we could trademark.</p>

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<p style="text-align: right;">Page 58</p> <p>1 Q. Did you ask them to do a trademark 2 search in connection with that at the time? 3 A. I have no recollection. I would 4 assume an attorney does a trademark search if 5 the individual is not going to do that for 6 themselves. 7 Q. So you assume that your attorneys 8 would have done a trademark search at the 9 time? 10 A. I would assume that's part of what 11 someone does before securing a trademark, sure. 12 Q. Are you aware if any trademark 13 search was done for you at that time or for your 14 entity? I say for your entity because you were 15 a part-owner of an entity at the time. 16 A. Yeah. There were discussions 17 about whether this was a viable name. In other 18 words, was it being used by someone that we 19 wouldn't have the ability to secure it for 20 ourselves. I remember that discussion. Yeah. 21 Q. And you -- it was your 22 understanding at the time that it was not being 23 used by anybody else? 24 MR. PARADISE: Objection. I am 25 going to caution you don't disclose the</p>	<p style="text-align: right;">Page 60</p> <p>1 I guess my question is: At the 2 time this application was filed for the 3 New Jersey registration, were you aware -- let 4 me frame it like this -- were you aware of there 5 being any other entities using the term 6 Reflections in connection with spa or medical 7 services? 8 A. No, I have no recollection of 9 that. 10 Q. So you weren't aware of any other 11 entity using the name -- the name Reflections? 12 A. I have no recollection of any 13 conflicts that would -- that would cause us not 14 to be able to secure that name. That is, in 15 New Jersey. You are asking about New Jersey, 16 correct? 17 Q. That is correct. 18 A. Yes. 19 Q. Did you ever try to get federal 20 registration for the term Reflections or any 21 other term that incorporated the term 22 Reflections in it? 23 A. No. Not to my recollection, no. 24 Q. You never tried to obtain a 25 federal trademark registration for the</p>
<p style="text-align: right;">Page 59</p> <p>1 substance of any communications you had with 2 your attorneys. 3 Q. Absolutely. Just so I am also 4 clear about it, I am not asking for what you and 5 your attorneys discussed. I am asking about 6 your understanding at the time. 7 Was it your understanding at the 8 time, you and/or your partner's 9 understanding -- 10 A. My understanding -- 11 MR. PARADISE: Let me interrupt 12 for one second. If your understanding was 13 solely as the result of being informed by 14 attorneys, I am going to instruct you not to 15 answer. If you had any independent 16 understanding, you are free to give that 17 information. 18 Q. I am going to object to that 19 direction. But we don't have to get into a 20 dispute over that at this point. But I object 21 to that direction. I think we are 22 entitled -- we are entitled to know your 23 understanding, however you developed the 24 understanding. We are not going to get into any 25 communications with your lawyer.</p>	<p style="text-align: right;">Page 61</p> <p>1 Reflections Center for Skin and Body? 2 A. Not to my recollection. 3 Q. Did you ever hire an attorney to 4 do that for you? 5 A. Not to my recollection. 6 MR. KEYHANI: I would like to mark 7 this as Plaintiff's Exhibit 3. 8 (Exhibit P-3, Registration, was 9 marked for identification.) 10 BY MR. KEYHANI: 11 Q. I submit that this is a document 12 from the United States Patent and Trademark 13 Office pull-down, and it's a registration for 14 the term Reflections. Take a moment to take a 15 look at this. 16 Have you ever seen this 17 registration before? 18 A. I'm not following seeing 19 this -- this piece of paper I've never seen 20 before. 21 Q. Okay. You've never seen this 22 piece of paper. Fair enough. Were you 23 aware -- are you aware that another entity has 24 used the term Reflections in connection with 25 medical care and health services prior to your</p>

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<p style="text-align: right;">Page 110</p> <p>1 payroll?</p> <p>2 A. Yeah.</p> <p>3 Q. And it looks like on page 558</p> <p>4 that's about 2,938,831, payroll expense? I'm</p> <p>5 looking at 558.</p> <p>6 Let's try to keep them together.</p> <p>7 A. Yes. 2,900,000 payroll expense in</p> <p>8 2016. Close to \$3 million of payroll.</p> <p>9 Q. And then marketing expenses, let's</p> <p>10 see here. Advertising, marketing I assume would</p> <p>11 be on here under one category.</p> <p>12 A. What's total marketing expenses?</p> <p>13 Is that what you are asking?</p> <p>14 Q. Yes. For 2016.</p> <p>15 A. Roughly \$600,000.</p> <p>16 Q. And you are looking at</p> <p>17 which -- it's on the same page?</p> <p>18 A. I'm looking at -- there's</p> <p>19 marketing 16, 66, 74,353. I'm looking at things</p> <p>20 under marketing --</p> <p>21 Q. Website?</p> <p>22 A. Total, roughly \$600,000.</p> <p>23 Q. This would be for one year, for</p> <p>24 2016?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 112</p> <p>1 a marketing manager?</p> <p>2 A. Yes.</p> <p>3 Q. For how long did you have one</p> <p>4 before her?</p> <p>5 A. I don't know how long he was</p> <p>6 there. Could have been four years, five years.</p> <p>7 I'm not sure exactly.</p> <p>8 Q. In 2001, when you had your partner</p> <p>9 in your prior practice, did you have a marketing</p> <p>10 manager at that practice? And to be specific, I</p> <p>11 am talking about Priority Medical Care.</p> <p>12 A. I don't remember exactly. But</p> <p>13 more than likely, it was probably office</p> <p>14 managers providing those kinds of services. But</p> <p>15 I don't remember exactly.</p> <p>16 Q. And you had an office manager at</p> <p>17 that time?</p> <p>18 A. Yeah, uh-huh.</p> <p>19 Q. Do you remember the office</p> <p>20 manager's name at that time?</p> <p>21 A. I don't remember exactly in 2001.</p> <p>22 I don't.</p> <p>23 Q. In your expenses, is there a</p> <p>24 category in which -- that would cover like</p> <p>25 materials you use in connection with your</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Would this number be similar</p> <p>2 proportionately in 2017 and 2015, marketing?</p> <p>3 A. I would have to look and tell you.</p> <p>4 I don't know that offhand.</p> <p>5 Q. Do you make all decisions</p> <p>6 regarding what's paid to marketing, marketing</p> <p>7 and advertising?</p> <p>8 A. We have a director of marketing as</p> <p>9 part of our practice.</p> <p>10 Q. Who is an employee of the</p> <p>11 firm -- of the practice, I mean?</p> <p>12 A. Yeah.</p> <p>13 Q. Who is that person?</p> <p>14 A. Jen Peterson.</p> <p>15 Q. Is she the office manager also?</p> <p>16 A. No.</p> <p>17 Q. She is a salaried employee?</p> <p>18 A. Yes.</p> <p>19 Q. How long has she been working with</p> <p>20 you, with your business?</p> <p>21 A. Roughly three years, roughly.</p> <p>22 Q. Have you always had a marketing</p> <p>23 manager or is this something more recent?</p> <p>24 A. I can't answer to always.</p> <p>25 Q. Let's say before her did you have</p>	<p style="text-align: right;">Page 113</p> <p>1 procedures? Like products that you need to use</p> <p>2 or any kind of instruments, products? Things</p> <p>3 like -- that are, like, get disposed of once</p> <p>4 your procedure --</p> <p>5 A. There are a number of categories.</p> <p>6 There equipment service expense. There's</p> <p>7 service contracts which go into the use of</p> <p>8 machinery there. There's surgical supplies.</p> <p>9 There's -- I'm looking for equipment expense.</p> <p>10 So there's a multitude of categories that seem</p> <p>11 to speak to your -- answer to your question.</p> <p>12 MR. KEYHANI: How about we take a</p> <p>13 little break here, if that's okay.</p> <p>14 MR. PARADISE: Sure.</p> <p>15 MR. KEYHANI: Thank you.</p> <p>16 THE VIDEOGRAPHER: Off the record</p> <p>17 4:30 p.m. This is the end of media unit 2.</p> <p>18 (Break taken.)</p> <p>19 THE VIDEOGRAPHER: Going back on</p> <p>20 the record 4:59 p.m. This is the beginning of</p> <p>21 media unit 3.</p> <p>22 BY MR. KEYHANI:</p> <p>23 Q. Dr. Chasin, when did you first</p> <p>24 become aware of the plaintiff in this case? And</p> <p>25 when I say "the plaintiff," I mean New</p>

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<p style="text-align: right;">Page 114</p> <p>1 Reflections Plastic Surgery LLC.</p> <p>2 A. Roughly April of '16, roughly.</p> <p>3 Q. How did you become aware of</p> <p>4 their --</p> <p>5 A. Our director of marketing noticed</p> <p>6 it searching through the -- on the internet.</p> <p>7 That's how she became aware of it.</p> <p>8 Q. How do you search for competitors</p> <p>9 in your business?</p> <p>10 Let me ask you, do you search for</p> <p>11 competitors in your business?</p> <p>12 A. Do I or the office?</p> <p>13 Q. I don't mean you personally, but</p> <p>14 people that work with you. How do you go about,</p> <p>15 I guess, figuring out who your competitors are</p> <p>16 in your market space? When I say you --</p> <p>17 A. Google pretty much controls the</p> <p>18 universe at this point. So if search</p> <p>19 terms -- if search terms reveal different</p> <p>20 individuals from the search query, you know,</p> <p>21 they can be online competitors.</p> <p>22 Q. So what kind of Google search</p> <p>23 terms do you use or does your marketing use to</p> <p>24 find competitors in your practice?</p> <p>25 A. I wouldn't know specifically what</p>	<p style="text-align: right;">Page 116</p> <p>1 people search.</p> <p>2 Q. Prior to 2016 -- April 2016, did</p> <p>3 you or anybody working for you search search</p> <p>4 terms relating to Reflections on Google or any</p> <p>5 other search engine?</p> <p>6 A. I'm not aware of that. I'm not</p> <p>7 aware. I can't answer that, whether they did or</p> <p>8 didn't.</p> <p>9 Q. Did you ever search before</p> <p>10 2016 --</p> <p>11 A. I have no recollection of putting</p> <p>12 in "Reflections" and searching for our name. I</p> <p>13 don't have a recollection of that.</p> <p>14 Q. No recollection of doing a search</p> <p>15 on "Reflections" prior to 2016?</p> <p>16 A. Correct.</p> <p>17 Q. What about doing searches on the</p> <p>18 internet, Google or some other search engine,</p> <p>19 for other procedures like you mentioned? Did</p> <p>20 you do any of that, or somebody else working for</p> <p>21 you?</p> <p>22 A. Generally it's the marketing</p> <p>23 individuals, that's part of my understanding,</p> <p>24 searches. And where you show up -- it's mostly</p> <p>25 where -- what kind of numbers you are showing up</p>
<p style="text-align: right;">Page 115</p> <p>1 terms, but any term relating to the procedures</p> <p>2 that are provided. So it could be "liposuction</p> <p>3 New Jersey," it could be "Reflections Botox," it</p> <p>4 could be -- anything. It can have the name of</p> <p>5 the practice, which is consistent with the</p> <p>6 branding. It could be someone searching by a</p> <p>7 procedure that they are interested in.</p> <p>8 Q. So generally by name of a</p> <p>9 procedure would be the way they would search?</p> <p>10 A. After 20 years, close to 20 years</p> <p>11 of doing this, very often they are searching by</p> <p>12 name of practice. So all the effort and money</p> <p>13 that's gone into branding, people will search</p> <p>14 "Reflections." That's -- there's less word of</p> <p>15 mouth in a lot of these, and the internet has</p> <p>16 dominated the information.</p> <p>17 Q. They would just look for the term</p> <p>18 "Reflections"?</p> <p>19 A. "Reflections," and looking for --</p> <p>20 if someone was having Botox, they may look at</p> <p>21 "Reflections Botox." They may look at</p> <p>22 "liposuction" and the state. They may</p> <p>23 look -- there is a variety of different ways.</p> <p>24 If the question is about</p> <p>25 competitors, it's basically who comes up when</p>	<p style="text-align: right;">Page 117</p> <p>1 organically on a search, that's something that</p> <p>2 they would typically report on.</p> <p>3 Q. And over the past decade you or</p> <p>4 other people working for you have never searched</p> <p>5 and located the plaintiff's practice?</p> <p>6 A. The first time it was brought to</p> <p>7 my attention was April of 2016.</p> <p>8 Q. Would it be surprising to you that</p> <p>9 the plaintiff's name was -- practice was highly</p> <p>10 optimized on Google years before?</p> <p>11 MR. PARADISE: Objection to form.</p> <p>12 A. How do you -- what does that mean,</p> <p>13 they are highly optimized? I don't know --</p> <p>14 Q. I will use the term -- they spent</p> <p>15 a lot of money on internet marketing with Google</p> <p>16 to get the ratings, to get -- to be placed high</p> <p>17 up.</p> <p>18 A. Was that in a paid search? Was</p> <p>19 that organic search? Was there SCO? Were there</p> <p>20 inbound lanes? There is a whole science -- if</p> <p>21 you tell me what they were doing I will tell you</p> <p>22 whether it seems that they were adhering to the</p> <p>23 standard of care and should have done better.</p> <p>24 But I don't know what that means.</p> <p>25 Q. Well, all of the above. They are</p>

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<p style="text-align: right;">Page 118</p> <p>1 hiring the same type of individuals that do this</p> <p>2 kind of search engine optimization, let's</p> <p>3 say --</p> <p>4 A. What level were they doing that?</p> <p>5 You are asking me --</p> <p>6 Q. The question is, I guess, would it</p> <p>7 be surprising to you that they were highly</p> <p>8 ranked on the various factors -- they were</p> <p>9 easily accessible on the internet before April</p> <p>10 2016?</p> <p>11 MR. PARADISE: Objection to form.</p> <p>12 A. What does that -- you are making a</p> <p>13 statement, you are not asking. You are telling</p> <p>14 me -- are you asking me -- I would have</p> <p>15 thought --</p> <p>16 Q. I am asking you -- would that be</p> <p>17 surprising to you is the question?</p> <p>18 MR. PARADISE: Objection to form.</p> <p>19 A. I would have -- in my opinion,</p> <p>20 which is just an opinion, I think they</p> <p>21 are -- they have most likely ramped up their</p> <p>22 efforts, used different companies. I don't know</p> <p>23 what they did. But it seems that their -- their</p> <p>24 exposure on the internet has increased.</p> <p>25 So -- and good for them. Investing in that and</p>	<p style="text-align: right;">Page 120</p> <p>1 those searches in 2008, 2009?</p> <p>2 A. I have no recollection of doing a</p> <p>3 search for -- I've done searches for my name.</p> <p>4 Q. Sure.</p> <p>5 A. But I don't have any recollection,</p> <p>6 and no one is handing me a report saying I've</p> <p>7 searched for "Reflections," this is what</p> <p>8 it's -- this is what it's returned. It's just</p> <p>9 not something you normally would do because</p> <p>10 there's usually not a competitor for your name.</p> <p>11 Q. And you never asked anybody that</p> <p>12 worked for you to do any searches for</p> <p>13 competitors using your name or procedures --</p> <p>14 A. No.</p> <p>15 Q. -- on the internet?</p> <p>16 A. No.</p> <p>17 Q. Not in 2008? Not in 2009?</p> <p>18 2010?</p> <p>19 A. To my recollection, I've never</p> <p>20 asked someone to search for our name and see</p> <p>21 what --</p> <p>22 Q. Or the term "Reflections" itself,</p> <p>23 let's say? Have you ever asked -- because your</p> <p>24 name is a longer name, but you never asked</p> <p>25 anybody to look for the term "Reflections" on</p>
<p style="text-align: right;">Page 119</p> <p>1 they are learning new tactics or doing new</p> <p>2 things, good for them. But my feeling is that's</p> <p>3 why we are now noticing this problem, that it's</p> <p>4 probably from those efforts are becoming</p> <p>5 fruitful. Which is great for them, but it's</p> <p>6 caused confusion.</p> <p>7 Q. In 2009, 2010, do you recall doing</p> <p>8 any Google search engine or other search engine</p> <p>9 searches for the term "Reflections" or any</p> <p>10 other -- you, yourself?</p> <p>11 A. I don't -- myself, that's really</p> <p>12 not where I'm spending my time, honestly.</p> <p>13 Q. In 2008, 2009, 2010 period, did</p> <p>14 anybody working for you do any search engine</p> <p>15 searches for the term "Reflections" or other</p> <p>16 procedure that you described that related to</p> <p>17 your practice?</p> <p>18 A. Nothing -- to my recollection, no</p> <p>19 one has presented me with searching for</p> <p>20 "Reflections" and what that -- you know, what</p> <p>21 that -- what kind of results they gave. I've</p> <p>22 never been produced -- I've never been handed</p> <p>23 that.</p> <p>24 Q. So you are not aware of anybody</p> <p>25 yourself -- first of all, you never did any of</p>	<p style="text-align: right;">Page 121</p> <p>1 the internet in 2008, 2009, 2010?</p> <p>2 MR. PARADISE: Objection to form.</p> <p>3 A. To my recollection, I don't -- I</p> <p>4 don't remember ever asking someone to search for</p> <p>5 "Reflections" -- "Reflections Center for Skin</p> <p>6 and Body" or "Reflections."</p> <p>7 Q. Or for any -- same question, or</p> <p>8 for any procedure that you -- that your practice</p> <p>9 does in that period between 2008 and 2010?</p> <p>10 A. Searching -- that is --</p> <p>11 Q. For terms like the various</p> <p>12 procedures that you mentioned earlier that --</p> <p>13 A. It would be customary -- can I</p> <p>14 jump in, or no?</p> <p>15 Q. Yes, go ahead.</p> <p>16 A. It would be customary for us to</p> <p>17 look for search results for procedures that we</p> <p>18 do, yes.</p> <p>19 Q. It would be. For procedures you</p> <p>20 do?</p> <p>21 A. Sure.</p> <p>22 Q. And you would have done that in</p> <p>23 2009 and 2010?</p> <p>24 A. Yes. I would think we were</p> <p>25 looking -- I mean, search engine -- search</p>

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<p style="text-align: right;">Page 142</p> <p>1 MR. PARADISE: Thank you. And</p> <p>2 when you bring it up with the judge I will point</p> <p>3 out that you are giving false legal information</p> <p>4 in your question, as a premise of your question,</p> <p>5 and that is what I am objecting to.</p> <p>6 MR. KEYHANI: I am not giving any</p> <p>7 such false information.</p> <p>8 MR. PARADISE: You are --</p> <p>9 MR. KEYHANI: I'm asking --</p> <p>10 MR. PARADISE: Go on. He's</p> <p>11 already said --</p> <p>12 MR. KEYHANI: Mr. Paradise --</p> <p>13 THE REPORTER: I cannot get you</p> <p>14 both at once. I can't do it.</p> <p>15 MR. PARADISE: He won't stop</p> <p>16 talking. I can't help that.</p> <p>17 MR. KEYHANI: This is my</p> <p>18 deposition, and I will talk.</p> <p>19 THE REPORTER: That has nothing to</p> <p>20 do with what I write.</p> <p>21 MR. KEYHANI: He is interrupting</p> <p>22 my deposition.</p> <p>23 Mr. Paradise, if we have a</p> <p>24 difference of what the law is, that is perfectly</p> <p>25 fine. You can go object to that in your papers</p>	<p style="text-align: right;">Page 144</p> <p>1 THE WITNESS: Are we asking what's</p> <p>2 real or are we asking the declaration --</p> <p>3 BY MR. KEYHANI:</p> <p>4 Q. This declaration associated with</p> <p>5 this application gives a first use date. Okay.</p> <p>6 I am asking about that first use date.</p> <p>7 MR. PARADISE: Objection to form.</p> <p>8 You are misrepresenting the document.</p> <p>9 MR. KEYHANI: You can object to</p> <p>10 whatever you want, but you do not have a right</p> <p>11 to have talking objections during the</p> <p>12 deposition. The witness can testify to whatever</p> <p>13 he feels is the accurate statement. But I am</p> <p>14 asking a factual question.</p> <p>15 A. All I can answer to is the</p> <p>16 question of when we started using that mark, and</p> <p>17 we started using that mark right around the year</p> <p>18 2000. That's what I can testify to, which I've</p> <p>19 said previously. This form, there is something</p> <p>20 here about a date of 2004. I did not write</p> <p>21 that, I did not authorize this, and I am not</p> <p>22 aware of any of this. And in terms of</p> <p>23 declaration, I don't see -- I don't understand</p> <p>24 the -- how these things connect.</p> <p>25 Q. So you are testifying under oath</p>
<p style="text-align: right;">Page 143</p> <p>1 about what the law is. I am asking a factual</p> <p>2 question.</p> <p>3 BY MR. KEYHANI:</p> <p>4 Q. My factual question is: In this</p> <p>5 declaration, Dr. Chasin, it specifically says</p> <p>6 that the mark was first used as early as</p> <p>7 12/10/2004, and it has your name associated with</p> <p>8 this declaration submitted to the Patent and</p> <p>9 Trademark Office.</p> <p>10 MR. PARADISE: I object because</p> <p>11 this declaration does not say anything of the</p> <p>12 sort and you know it. You can read it in the</p> <p>13 document.</p> <p>14 MR. KEYHANI: It says the mark was</p> <p>15 first used in as early as 12/10/2004. That's</p> <p>16 what it says.</p> <p>17 MR. PARADISE: Not in the</p> <p>18 declaration it doesn't.</p> <p>19 MR. KEYHANI: The document that's</p> <p>20 represented here says that.</p> <p>21 THE WITNESS: You are asking about</p> <p>22 the declaration or are you asking --</p> <p>23 MR. KEYHANI: I'm asking about --</p> <p>24 this representation --</p> <p>25 (Simultaneous speakers.)</p>	<p style="text-align: right;">Page 145</p> <p>1 today that you did not -- you did not endorse or</p> <p>2 put forth December 10, 2004, as a date of first</p> <p>3 use --</p> <p>4 Let me finish my question.</p> <p>5 A. Go ahead.</p> <p>6 Q. -- in connection with your</p> <p>7 application for Reflections for Skin and Body?</p> <p>8 A. Absolutely not, I did not use a</p> <p>9 date of 2004, nor -- I can't even conceive of</p> <p>10 why I would do that. That would seem to be</p> <p>11 disadvantageous. So --</p> <p>12 Q. And who unearthed and filed this</p> <p>13 application?</p> <p>14 A. That's for you -- that's why I</p> <p>15 asked you to show me my signature.</p> <p>16 Q. Who do you think filed this</p> <p>17 application?</p> <p>18 MR. PARADISE: Objection to form.</p> <p>19 Q. As you sit here today who do you</p> <p>20 think filed this application?</p> <p>21 MR. PARADISE: Objection to form.</p> <p>22 Q. You can answer the question.</p> <p>23 A. I don't know. You are asking me</p> <p>24 whether I did it. I did not do it. I did not</p> <p>25 instruct our attorneys to do it. So I'm more</p>

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DR. MITCHELL CHASIN

<p style="text-align: right;">Page 150</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, SEVA FLICSTEIN, a Certified</p> <p>4 Shorthand Reporter of the State of New Jersey,</p> <p>5 do hereby certify that prior to the commencement</p> <p>6 of the examination the witness was sworn by me</p> <p>7 to testify the truth, the whole truth and</p> <p>8 nothing but the truth.</p> <p>9 I DO FURTHER CERTIFY that the</p> <p>10 foregoing is a true and accurate transcript of</p> <p>11 the testimony as taken stenographically by and</p> <p>12 before me at the time, place and on the date</p> <p>13 hereinbefore set forth.</p> <p>14 I DO FURTHER CERTIFY that I am</p> <p>15 neither of counsel nor attorney for any party in</p> <p>16 this action and that I am not interested in the</p> <p>17 event nor outcome of this litigation.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 _____</p> <p>25 SEVA FLICSTEIN</p>	<p style="text-align: right;">Page 152</p> <p>1 ERRATA SHEET</p> <p>2</p> <p>3 Please list any correction with the</p> <p>4 corresponding page and line numbers.</p> <p>5 PAGE LINE CORRECTIONS</p> <p>6 1. :</p> <p>7 2. :</p> <p>8 3. :</p> <p>9 4. :</p> <p>10 5. :</p> <p>11 6. :</p> <p>12 7. :</p> <p>13 8. :</p> <p>14 9. :</p> <p>15 10. :</p> <p>16 11. :</p> <p>17 12. :</p> <p>18 13. :</p> <p>19 14. :</p> <p>20 15. :</p> <p>21 16. :</p> <p>22 17. :</p> <p>23 18. :</p> <p>24 19. :</p> <p>25 20. :</p>
<p style="text-align: right;">Page 151</p> <p>1 NEW REFLECTIONS PLASTIC : SURGERY, LLC,</p> <p>2 :</p> <p>3 Plaintiff,</p> <p>4 :</p> <p>5 -against- :</p> <p>6 REFLECTIONS CENTER FOR SKIN AND BODY, PC, :</p> <p>7 Defendant. : _____X</p> <p>8</p> <p>9 I have read the foregoing transcript and</p> <p>10 found it to be a truthful and accurate</p> <p>11 representation of the testimony I gave in</p> <p>12 connection with the captioned matter on</p> <p>13 _____.</p> <p>14</p> <p>15 _____</p> <p>16 MITCHELL CHASIN, M.D.</p> <p>17</p> <p>18 The State of:</p> <p>19 County of:</p> <p>20 Sworn and subscribed to before me on this</p> <p>21 day of _____, 2017</p> <p>22 NOTARY PUBLIC _____</p> <p>23 My commission expires:</p> <p>24</p> <p>25</p>	

SELECTED EXHIBITS FROM
DEPOSITION OF MITCHELL
CHASIN, M.D.

P-2 (excerpts)

DEPARTMENT OF THE TREASURY
 Division of Revenue and Enterprise Services
 Business Support Services, Commercial Recording
 P.O. Box 308
 Trenton, NJ 08646
 Session Number: 2852841

Acknowledgement Printed: 11/17/2016

SHIP TO:

LERNERDAVID
 600 SOUTH AVE WEST
 WESTFIELD, NJ 07090

Thank you for your recent work request. The following information summarizes all work requests processed and the associated fees.

If your work was rejected, it is imperative that you include this form or a copy when resubmitting corrected documents or if you are requesting a refund. This will assist us in verifying payment and the original date the work request was submitted. Call us at (609) 292-9292 if you have any questions regarding this notice.

1. Customer Number: 931001
2. Account Number:
3. Session Number: 2852841 , Session Date: 11/15/2016
4. User ID: 16
5. Comments On Work Request:

6. Received Date: 11/10/2016
7. Number of Rejected Jobs: 0

Method of Payment: Check

Check No: 95980

Amount: \$50.00

Job 1:

Job Completion Status: C. CLOSED (JOB OR SESSION)

Session Number: 2852841

Work Description: TSLAD ADD TRADE/SERVICE MARK OR INSIGNIA

Job Number: 5048049

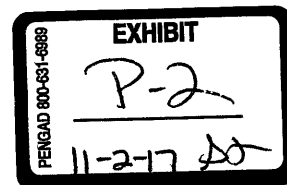
Filing Number: 20852

Processed Date: 17-NOV-16

Entity Name: REFLECTIONS

Comments On Job:

Continued on next page ...



OFFICIAL RECEIPT *** THIS IS NOT A BILL ***

* Please retain a copy for your records to verify check and credit card billing.

Page 1 of 2

REFLEC-000005

TMSM-03
Rev. 10/02

New Jersey Division of Revenue

APPLICATION TO ASSIGN A REGISTERED TRADE OR SERVICE MARK

This form may be used by applicants seeking to reassign a registered State trade or service mark pursuant to NJSA 56. Applicants are responsible for strict adherence to all requirements as set forth in State law.

1. Trade/Service Mark Number:

(as assigned by the State Treasurer and listed on the Certificate of Registration)

20852

2. Owner Information:

a. Name: Reflections of Livingston, LLC

(must match the name indicated on the Division of Revenue's records)

b. Current Business Address:

299 East Northfield Road
Livingston, NJ 07039

(must match the address indicated on the Division of Revenue's records)


4. Assignee Information:

a. Name: Reflections Center for Skin and Body, PC

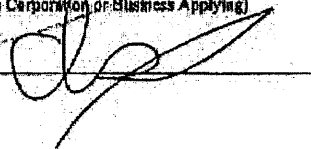
b. Address: 299 East Northfield Road
Livingston, NJ 07039

5. Signatures:

The mark is hereby assigned.

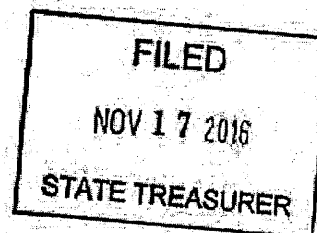

(Signature of Owner, or a Member of the Firm, or an Officer of the Corporation or Business Applying)

(Assignee)



11-1-16
(Date)

11-1-16
(Date)



Merrianne R. Van Note

MERRIANNE R. VANNOTE
Commission # 2270680
Notary Public, State of New Jersey
My Commission Expires
December 18, 2020

11-1-16

REFLEC-000007

I, THE TREASURER OF THE STATE OF NEW JERSEY, DO HEREBY
CERTIFY THAT

REFLECTIONS OF LIVINGSTON, LLC
299 EAST NORTHFIELD ROAD
LIVINGSTON NJ 07039

DID ON THE 17TH DAY OF NOVEMBER A.D. 2016 FILE IN THIS
DEPARTMENT AN ASSIGNMENT OF:

SERVICE MARK
MARK REG NUM : 20852

REFLECTIONS
SKIN AND BODY TREATMENT SERVICES, INCLUDING MICRODERM
ABRASION, BODY/SKIN TREATMENTS, MASSAGES, ETC

CLASSIFICATION GROUP : SERVICES
CLASS : 042 MISCELLANEOUS

TO:

REFLECTIONS CENTER FOR SKIN AND BODY, PC
299 EAST NORTHFIELD ROAD
LIVINGSTON NJ 07039

REGISTRATION DATE: 11/16/2001
EXPIRATION DATE: 11/16/2021
DATE OF FIRST USE IN NEW JERSEY: 12/01/2000
DATE IN USE ELSEWHERE:

AS BY THE STATUTES OF THIS STATE REQUIRED.



IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED
MY OFFICIAL SEAL AT TRENTON, THIS
17TH DAY OF NOVEMBER
A.D. 2016.

A handwritten signature in black ink, appearing to read "Ford M. Scudder".

Ford M Scudder
State Treasurer

Certificate Number: 139176232

Verify this certificate online at

https://www1.state.nj.us/TYTR/StandingCert/JSP/Verify_Cert.jsp

REFLEC-000008

TMSM-02
Rev. 10/02

New Jersey Division of Revenue

APPLICATION TO RENEW A REGISTERED TRADE OR SERVICE MARK

This form may be used by applicants seeking to renew a registered State trade or service mark pursuant to N.J.S.A. 17:27. Applicants are responsible for strict adherence to all requirements as set forth in State law. Applications may be submitted anytime within six months prior to the expiration of the registration period.

1. Trade/Service Mark Number: (as assigned by the Treasurer and listed on the Certificate of Registration)
20852
2. Classification Within Which the Goods or Services Fall: (as listed on the Certificate of Registration or Filled Registration Application Form)
CLASS 42: SKIN AND BODY TREATMENT SERVICES, INCLUDING MICRODERM
ABRASION, BODY/SKIN TREATMENTS, MASSAGES, ETC
3. Owner Information:
 - a. Name: (must match the name shown on the Division of Revenue's records)
Reflections Center for Skin and Body, PC
 - b. Current Business Address:
299 EAST NORTHFIELD ROAD
LIVINGSTON, NJ 07039
4. Assignee Information: (if applicable, provide assignee name/address)
 - a. Name:
 - b. Address:

5. Signature(s) and Statement of Continued Use: (verification required)

The owner attests that he or she is the owner of the mark, and that the mark is still in use in this State.


(Signature of Owner, or a Member of the Firm, or an Officer of the Corporation or Business Applying)

11-3-16
(Date)

(Assignee, if Applicable)

(Date)

Subscribed and sworn to before me, Merrianne VanNote
a Notary Public, this 3rd day of November, A.D. 2020.

Merrianne VanNote
(Notary Public)

MERRIANNE R VANNOTE
Commission # 2270880
Notary Public, State of New Jersey
My Commission Expires
December 18, 2020

Note: Attach a specimen showing the mark as actually used on or connection with the goods or services involved.

K.C.

TRADEMARK ASSIGNMENT

This Agreement is between Priority Medical Care, P.A., a corporation organized under the laws of New Jersey, having a place of business at 350 Grove Street, Bridgewater, NJ 08807 ("Assignor"), and Reflections of Livingston, LLC, a New Jersey corporation, having a place of business at 299 East Northfield Road, Livingston, NJ 07039 ("Assignee").

For good and valuable consideration, the receipt and exchange of which is hereby acknowledged, Assignor hereby assigns to Assignee all of the right, title and interest in and to the following trademarks and registrations:

REFLECTIONS

NJ Reg. No. 20852

ENJOY THE SKIN YOU'RE IN

NJ Reg. No. 20851

that are currently held by Assignor, including but not limited to, and all the goodwill associated with the marks, and including the right to collect past damages. Assignee shall have the responsibility of maintaining the New Jersey registrations.

PRIORITY MEDICAL CARE, P.A.

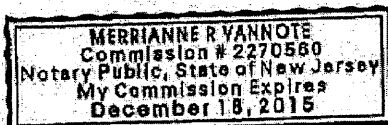
By: Ian B. BrodnickPrinted Name: Ian B. BrodnickDate: 8/11, 2011 Title: President

NOTARY:

State of)
) S.S.:
 County of)

Before me this 15th day of August, 2011, personally appeared Ian B. Brodnick, MD to me known to be the person who is described in and who signed the foregoing Assignment and acknowledged to me that he signed the same of his own free will for the purpose therein expressed.

Merrianne R. Van Note
 Notary Public



REFLECTIONS OF LIVINGSTON, LLC

By: [Signature]

Printed Name: Mitchell Chasin, MD

Date: 8/1, 2011

Title: owner

NOTARY:

State of

)

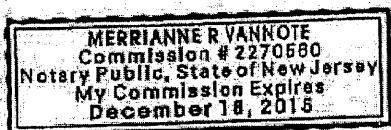
) S.S.:

County of

)

Before me this 1st day of August, 2011, personally appeared Mitchell Chasin, MD to me known to be the person who is described in and who signed the foregoing Assignment and acknowledged to me that he signed the same of his own free will for the purpose therein expressed.

[Signature: Merrienne R. Van Note]
Notary Public



I, THE TREASURER THE STATE OF NEW JERSEY, DO HEREBY
CERTIFY THAT

PRIORITY MEDICAL CARE, P.A.
350 GROVE STREET
BRIDGEWATER NJ 08807

DID ON THE 16TH DAY OF NOVEMBER A.D. 2001 FILE IN THIS
DEPARTMENT

SERVICE MARK
MARK REG NUM : 20852

REFLECTIONS
SKIN AND BODY TREATMENT SERVICES, INCLUDING MICRODERM
ABRASION, BODY/SKIN TREATMENTS, MASSAGES, ETC

CLASSIFICATION GROUP : SERVICES
CLASS : 042 MISCELLANEOUS

RENEWAL DATE: 11/20/2006
EXPIRATION DATE: 11/16/2011
DATE OF FIRST USE IN NEW JERSEY: 12/01/2000
DATE IN USE ELSEWHERE:

AS BY THE STATUTES OF THIS STATE REQUIRED.

IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED
MY OFFICIAL SEAL AT TRENTON, THIS
20TH DAY OF NOVEMBER
A.D. 2006.



Bradley Abelow

Bradley Abelow
State Treasurer

P-3

Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,164,379

Registered Oct. 31, 2006

SERVICE MARK
PRINCIPAL REGISTER

REFLECTIONS

BRANDYWINE SENIOR CARE, INC. (PENNSYL-
VANIA CORPORATION)
525 FELLOWSHIP ROAD SUITE 360
MT. LAUREL, NJ 08054

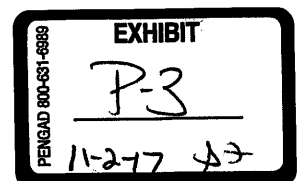
THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: MEDICAL CARE AND HEALTH CARE, IN
CLASS 44 (U.S. CLS. 100 AND 101).

SER. NO. 76-603,777, FILED 7-23-2004.

FIRST USE 5-1-2000; IN COMMERCE 5-1-2000.

PAUL F. GAST, EXAMINING ATTORNEY



P-5



United States Patent and Trademark Office

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[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

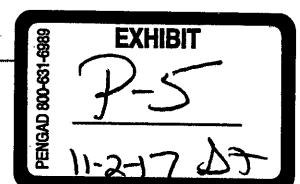
Start List At: OR Jump to record: **Record 4 out of 7**

[TSDR](#) [Abandon Status](#) [LITIG Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Reflections center for skin & body

Word Mark REFLECTIONS CENTER FOR SKIN & BODY
Goods and Services (ABANDONED) IC 044. US 100 101. G & S: Health spa services, namely, laser treatments for acne, rejuvenation, scars, tattoo removal and for facials and massage. FIRST USE: 20041210. FIRST USE IN COMMERCE: 20041210
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77585652
Filing Date October 4, 2008
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) Chasin, Mitchell INDIVIDUAL UNITED STATES 299 East Northfield Road Livingston NEW JERSEY 07039
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date September 7, 2009

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)



P-6 (excerpts)

Generated on: This page was generated by TSDR on 2017-11-01 13:02:33 EDT

Mark: REFLECTIONS CENTER FOR SKIN & BODY

Reflections
center for skin & body

US Serial Number: 77585652

Application Filing Date: Oct. 04, 2008

Filed as TEAS Yes
Plus:

Currently TEAS Yes
Plus:

Register: Principal

Mark Type: Service Mark

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 08, 2009

Date Abandoned: Sep. 07, 2009

Mark Information

Mark Literal Elements: REFLECTIONS CENTER FOR SKIN & BODY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Health spa services, namely, laser treatments for acne, rejuvenation, scars, tattoo removal and for facials and massage

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 10, 2004

Use in Commerce: Dec. 10, 2004

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

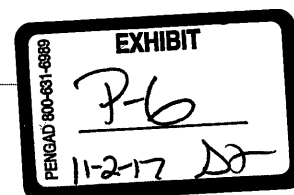
Current Owner(s) Information

Owner Name: Chasin, Mitchell

Owner Address: 299 East Northfield Road
Livingston, NEW JERSEY 07039
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES



Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent CHASIN, MITCHELL
 Name/Address: 299 E NORTHFIELD RD
 LIVINGSTON, NEW JERSEY 07039-4811
 UNITED STATES

Phone: 973-740-2444

Correspondent e-
 mail: paula@reflectionscenter.com

Correspondent e- Yes
 mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 08, 2009	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Oct. 08, 2009	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Mar. 06, 2009	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 06, 2009	FINAL REFUSAL E-MAILED	
Mar. 06, 2009	FINAL REFUSAL WRITTEN	74308
Jan. 29, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 23, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 23, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 06, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 06, 2009	NON-FINAL ACTION E-MAILED	6325
Jan. 06, 2009	NON-FINAL ACTION WRITTEN	74308
Jan. 02, 2009	ASSIGNED TO EXAMINER	74308
Oct. 09, 2008	NOTICE OF PSEUDO MARK MAILED	
Oct. 08, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: CARLYLE, SHAUNIA P

Law Office LAW OFFICE 110

Assigned:

File Location

Current Location: TMO LAW OFFICE 110 - EXAMINING
 ATTORNEY ASSIGNED

Date in Location: Oct. 08, 2009

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Oct 8, 2009

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Mar 6, 2009 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 77585652
MARK: REFLECTIONS CENTER FOR SKIN & BODY
OWNER: Chasin, Mitchell

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S POSTAGE
PAID

CHASIN, MITCHELL
299 E NORTHFIELD RD
LIVINGSTON, NJ 07039-4811

United States of America
United States Patent and Trademark Office

Reflections

Reg. No. 4,530,113

Registered May 13, 2014

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

ST. LUKE'S CATARACT AND LASER INSTITUTE, P.A. (FLORIDA CORPORATION)
43309 US HIGHWAY 19N
TARPON SPRING, FL 34689

FOR: DERMATOLOGY AND PLASTIC SURGERY SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 1-10-2013; IN COMMERCE 1-10-2013.

THE MARK CONSISTS OF THE WORDING "REFLECTIONS" IN BLUE STYLIZED FORMAT.

THE COLOR(S) BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-574,284, FILED 3-20-2012.

HEATHER BIDDULPH, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 3/6/2009

THIS IS A FINAL ACTION.

This letter responds to the applicant's communication filed on January 23, 2009. The examining attorney has carefully considered the arguments in favor of registration, but has found them to be unpersuasive. Therefore, the refusal to register based on a likelihood of confusion is continued and made **FINAL**. Also, the applicant did not address the disclaimer issue. Therefore, the disclaimer requirement is continued and made **FINAL**.

LIKELIHOOD OF CONFUSION

As stated in Office Action Number One, the examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on or in connection with the identified services, so resembles the marks in U.S. Registration Nos. 3460732 and 3216579 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP section 1207.

The applicant has applied for the mark REFLECTIONS CENTER FOR SKIN & BODY for health spa services, namely, laser treatments for acne, rejuvenation, scars, tattoo removal and for facials and massage services.

US REGISTRATION NUMBER 3460732

The registered mark is RD REFLECTIONS & CENTER FOR SKIN CARE for physician services.

The question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods and/or services they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The question is whether the marks create the same overall impression. *See Recot, Inc. v. M.C. Becton*, 214 F.2d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b). Here, REFLECTIONS is the dominant portion of both marks. This is the portion of the mark that consumers will remember.

Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and/or services listed therein, namely health spa and/or laser services and physician services, are of a kind that may emanate from a single source. *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Any goods or services in the registrant's normal fields of expansion should be considered when determining whether the registrant's goods and/or services are related to the applicant's goods and/or services. TMEP §1207.01(a)(v); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581 1584 (TTAB 2007). Evidence that third parties offer the goods and/or services of both the registrant and applicant suggest that it is likely that the registrant would expand their business to include applicant's goods and/or services. In that event, customers are likely to believe the goods and/or services at issue come from or, are in some way connected with, the same source. *In re 1st USA Realty Prof'ls*, 84 USPQ2d at 1584 n.4; *see* TMEP §1207.01(a)(v).

US REGISTRATION NUMBER 3216579

The registered mark is REFLECTIONS MEDPSA for spa services.

The question is not whether people will confuse the marks, but whether the marks will confuse people into believing that the goods and/or services they identify come from the same source. *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 201, 175 USPQ 558, 558-59 (C.C.P.A. 1972); TMEP §1207.01(b). For that reason, the test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-

by-side comparison. The question is whether the marks create the same overall impression. See *Recot, Inc. v. M.C. Becton*, 214 F.2d 1322, 1329-30, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000); *Visual Info. Inst., Inc. v. Vicon Indus. Inc.*, 209 USPQ 179, 189 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537, 540-41 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975); TMEP §1207.01(b). Here, REFLECTIONS is the dominant portion of both marks. This is the portion of the mark that consumers will remember.

A determination of whether there is a likelihood of confusion is made solely on the basis of the goods and/or services identified in the application and registration, without limitations or restrictions that are not reflected therein. *In re Dakin's Miniatures, Inc.*, 59 USPQ2d 1593, 1595 (TTAB 1999); TMEP §1207.01(a)(iii). If the cited registration describes the goods and/or services broadly and there are no limitations as to their nature, type, channels of trade or classes of purchasers, then it is presumed that the registration encompasses all goods and/or services of the type described, that they move in all normal channels of trade, and that they are available to all potential customers. *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992); *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981); TMEP §1207.01(a)(iii). Here, the examining attorney must assume that the registrant's services may encompass the same services as the applicant.

Furthermore, attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and/or services listed therein, namely spa services and laser treatments, are of a kind that may emanate from a single source. *In re Infinity Broad. Corp.*, 60 USPQ2d 1214, 1217-18 (TTAB 2001); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. See *In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); see *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

For the above stated reasons the refusals to register are continued and made FINAL.

DISCLAIMER

The applicant must disclaim the descriptive wording "CENTER FOR SKIN & BODY" apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.03(a). The applicant is providing a center which provides health services for the skin and body. The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.08(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use CENTER FOR SKIN & BODY apart from the mark as shown.

See *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

RESPONSE TO FINAL ACTION

If applicant does not respond within six months of the mailing date of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; see 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit

the following documents using the Trademark Electronic Application System (TEAS) at <http://www.uspto.gov/teas/index.html>: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a \$50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

/Shaunia P. Carlyle/
Trademark Attorney
Law Office 110
571-272-9374

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Feb 27, 2009

76337987

DESIGN MARK

Serial Number

76337987

Status

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

Word Mark

FOOTSTEPS PODIATRY

Standard Character Mark

No

Registration Number

2677158

Date Registered

2003/01/21

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Daniel B. Gabe, D.P.M., P.C. CORPORATION ILLINOIS 15174 South LaGrange Road Orland Park ILLINOIS 60462

Goods/Services

Class Status -- ACTIVE. IC 042. US 100 101. G & S: PHYSICIAN SERVICES, NAMELY MEDICINE AND SURGERY OF THE FOOT AND ANKLE INCLUDING LASER SURGERY AND TREATMENT OF FOOT AND ANKLE; PHYSICIAN SERVICES, NAMELY FOOT CARE SERVICES RELATED TO BUNIONS, HAMMER TOES, INGROWN TOENAILS, SPORTS INJURIES, DIABETIC AND ARTHRITIC FEET, WARTS, CORNS AND CALLUSES. First Use: 1986/07/29. First Use In Commerce: 1986/07/29.

Prior Registration(s)

1486523

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PODIATRY" APART FROM THE MARK AS SHOWN.

Lining/Stippling Statement

THE STIPPLING SHOWN IN THE DRAWING IS A FEATURE OF THE MARK AND IS NOT

Print: Feb 27, 2009

76337987

INTENDED TO INDICATE COLOR.

Filing Date

2001/11/14

Examining Attorney

JUDD, PATRICIA

Attorney of Record

THOMAS W. TOLPIN



Print: Feb 27, 2009

77084926

DESIGN MARK

Serial Number
77084926

Status
REGISTERED

Word Mark
JOI

Standard Character Mark
Yes

Registration Number
3416825

Date Registered
2008/04/29

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Nicole Olive Baggott INDIVIDUAL UNITED STATES 16 Thorndale Court
Nashville TENNESSEE 37215

Goods/Services
Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health care services, medical services and medical spa services, namely, microdermabrasion, namely, topical skin treatments involving abrasion of the skin with high pressure flow of crystals, depilatory permanent hair removal and reduction services, intense pulsed light therapy services, laser therapy services for treating medical conditions, skin care preparation services, namely, chemical peels for skin, neurotoxin therapy, treatment of neurological disorders, muscle dystonias, smooth muscle disorders, autonomic nerve disorders, headaches, wrinkles, hyperhydrosis, sports injuries, cerebral palsy, spasms, tremors and pain, aesthetic dermatology, cosmetic services providing non-medicated tissue augmenting gel injected under the skin for smoothing out wrinkles, filling out scars and contouring lips and face, treatment of facial wrinkles and fine lines, soft tissue augmentation and physician grade skin care services. First Use: 2005/08/04. First Use In Commerce: 2005/08/04.

Print: Feb 27, 2009

77084926

Filing Date
2007/01/17

Examining Attorney
SMITH, BRIDGETT

Attorney of Record
Roland W. Bagott III

JOI

Print: Feb 27, 2009

77226420

DESIGN MARK

Serial Number

77226420

Status

REGISTERED

Word Mark

THE MALLOW CENTER

Standard Character Mark

Yes

Registration Number

3397811

Date Registered

2008/03/18

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Gary W. Mallow, M.D., P.A. CORPORATION FLORIDA Suite 1 9633 West
Broward Boulevard Plantation FLORIDA 33324

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Weight reduction diet planning and supervision; Physician services; Medical testing services, namely, fitness evaluation; Laser and IPL (intense pulse light) skin enhancement procedures; Microdermabrasion, namely, a topical skin treatment involving abrasion of the skin with a high-pressure flow of crystals; Skin treatment, namely, the injection of dermal fillers to reduce the appearance of facial fine lines; Providing laser therapy for treating medical conditions; Providing medical information; Providing medical information, consultancy and advisory services. First Use: 2005/05/01. First Use In Commerce: 2005/05/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CENTER" APART FROM THE MARK AS SHOWN.

Filing Date

Print: Feb 27, 2009

77226420

2007/07/10

Examining Attorney
CHANG, KATHERINE

Attorney of Record
Gilbert Lee Sandler

THE MALLOW CENTER

Print: Feb 27, 2009

77232337

DESIGN MARK

Serial Number

77232337

Status

REGISTERED

Registration Number

3551041

Date Registered

2008/12/23

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Aesthetically Wright I, L.P. LIMITED PARTNERSHIP TEXAS 4012 Barnett
Drive Plano TEXAS 75024

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: medical services, namely, laser hair removal, laser vein removal, sclerotherapy and microdermabrasion; skin care services, namely, botulinum toxin type A, hyaluronic acid, and collagen injections; cosmetic surgery, plastic surgery, cosmetic dentistry, dental surgery; cosmetic skin and hair care services, namely, chemical peels, acne treatments, microdermabrasion treatments, botulinum toxin type A, hyaluronic acid, and collagen injections, laser procedures for the removal of wrinkles, capillaries, red spots, brown spots, age spots, spider veins, facial and body hair, laser procedures for stimulating collagen production, evening skin tone and skin resurfacing; rendering consultation and advisory services in connection with skin care, hair care and dental services; beauty salon services; health spa services, namely, massage services and cosmetic body care services; cosmetic medical and surgical services and medical services for cosmetic purposes; cosmetic surgery; cosmetic dentistry and consulting services relating to the same; providing information in the field of facial aesthetic and anti-obesity surgery, cosmetic surgery, plastic surgery, microdermabrasion, laser treatments in the nature of sclerotherapy and hair removal, and treatment of fatty deposits using ultrasound; medical diagnostic services, namely, providing ultrasound screening and diagnosis, measurement of skin and hair condition; medical services for skin treatment, namely, dermatology clinic and skin

Print: Feb 27, 2009

77232337

health restoration medical procedures for physician- or nurse-practitioner-administered or directed exfoliation of skin and associated procedures for post-exfoliation treatment; hygienic and beauty services for skin, namely treatment, health restoration, care therapy, timed application of gels, cleansers, lighteners, exfoliants, blenders, toners and creams; skin care salon; skin massage therapy; health spa services for body and skin treatments, namely, massages, applications of lotions and compositions including skin lighteners, skin masks, antioxidant treatments, skin peels, preoperative skin care, post-operative camouflage make-up, deep cleansing facial treatments, manicures, pedicures, face and body waxing, hair design, color, perms and full body massage, facials; beauty salon services for providing hair care, hair coloring, manicures, pedicures, and makeup; medical services, namely, injection of medical injectables for cosmetic conditions and diseases. First Use: 2007/12/01. First Use In Commerce: 2007/12/01.

Description of Mark

The mark consists of an image of a butterfly with the black wings superimposed with the profile of a human face in the color white and with a red background. The graininess of the logo is a feature of the mark.

Colors Claimed

The color(s) red, white and black is/are claimed as a feature of the mark.

Filing Date

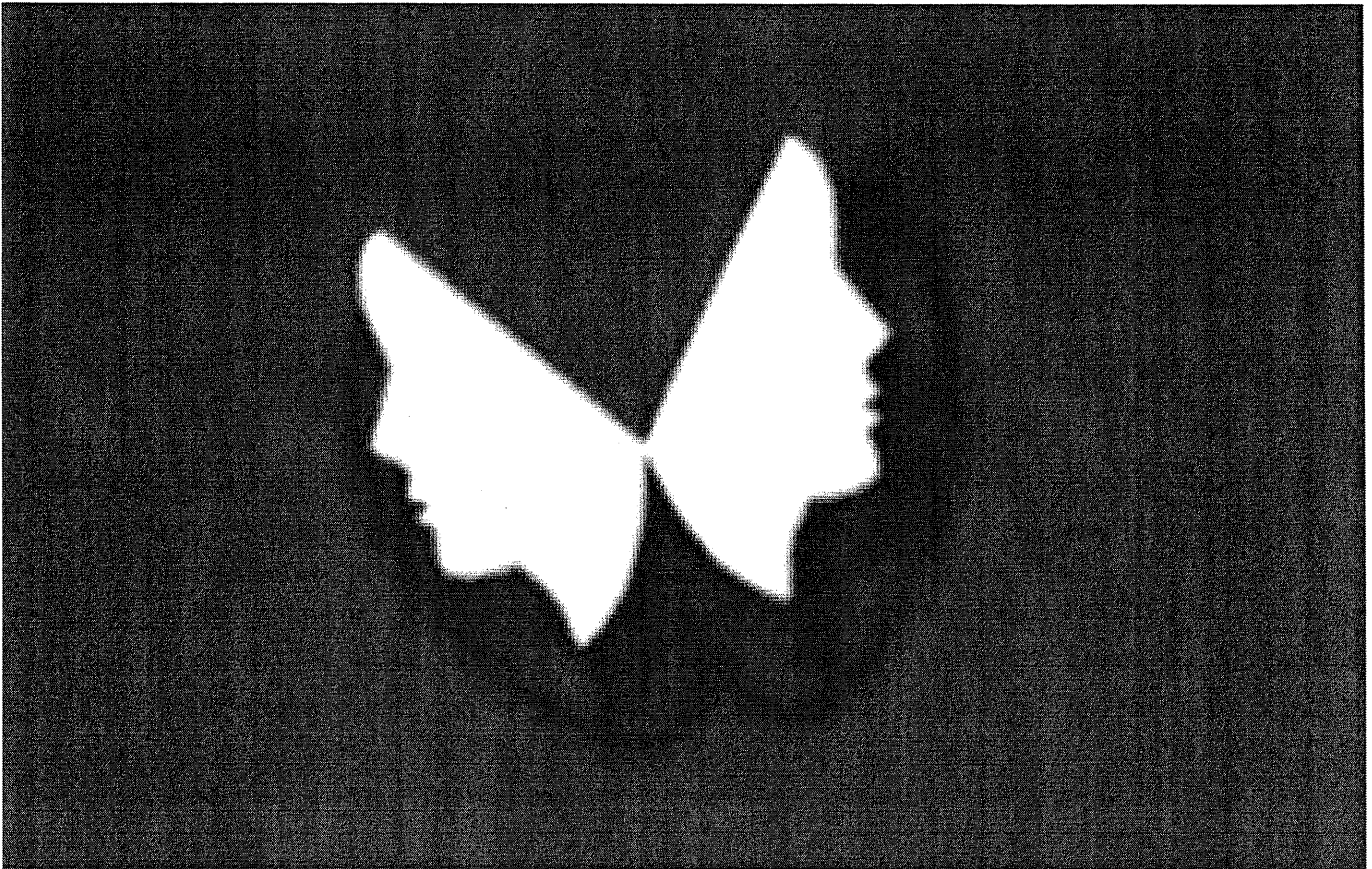
2007/07/18

Examining Attorney

FROMM, MARTHA

Attorney of Record

RICHARD L MORRIS JR ESQ



Print: Feb 27, 2009

77355138

DESIGN MARK

Serial Number
77355138

Status
REGISTERED

Word Mark
THE FUTURE OF HEALTHCARE IS HERE

Standard Character Mark
Yes

Registration Number
3476063

Date Registered
2008/07/29

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Trans4Med, PLLC DBA UCR Health Centers LIMITED LIABILITY COMPANY
ARIZONA 2815 S Alma School Rd. Ste. 7 Chandler ARIZONA 85286

Goods/Services
Class Status -- ACTIVE. IC 044. US 100 101. G & S: Acupuncture services; Ambulant medical care; Aromatherapy services; Body waxing services; Cosmetician services; Facial treatment services, namely, cosmetic peels; Health care services, namely, wellness programs; Health spa services, namely, cosmetic body care services; Medical clinics; Medical services, namely, pre-employment drug screening; Non-invasive cosmetic medical procedures; Occupational therapy services; Physician services; Preparation and dispensing of medications; Providing laser therapy for treating medical conditions; Urgent medical care centers. First Use: 2005/11/23. First Use In Commerce: 2005/11/23.

Filing Date
2007/12/18

Examining Attorney
KING, CHRISIE B.

The Future of Healthcare is Here

Print: Mar 6, 2009

77097940

Issue: Mar 24, 2009

DESIGN MARK

Serial Number

77097940

Status

REGISTERED

Word Mark

HONEYMOON

Standard Character Mark

Yes

Registration Number

3454639

Date Registered

2008/06/24

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

GAUGHEN HOLDINGS LLC LIMITED LIABILITY COMPANY CALIFORNIA 4954
NAUTILUS ST. OXNARD CALIFORNIA 93035

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Acupuncture, acupuncture services, addiction treatment services, ambulant medical care, animal grooming, aromatherapy services, artificial insemination, barbershops, beauty salons, body piecing services, bodywork therapy, cemetery plot perpetual care services, chiropractic services, color analysis for cosmetic purposes, consulting services in the field of mental health and wellness, convalescent homes, cosmetic analysis, cosmetic and plastic surgery, cosmetic electrolysis, cosmetician services, cosmetology services, dental hygienist services, dentistry, depilatory hair removal services, dietary and nutritional guidance, dispensing of pharmaceuticals, dog walking services, drug testing for substance abuse, emergency medical assistance, eyeglass fitting, facial treatment services, namely, cosmetic peels; fitting of contact lenses, flower arranging, food nutrition consultation, garden care services, gene bank services, golf course design, greenhouse services, gynecological pap examination, hair cutting, hair implantation; hair replacement, hair addition, and hair extension services; hair styling,

Print: Mar 6, 2009**77097940****Issue: Mar 24, 2009**

hairdressing salons, health care, health spa services for health and wellness of the body and spirit offered at a resort, home health care services, home nursing aid services, horticulture services, hospices, hospitals, hypnotherapy services, landscape design, leasing skin care equipment, managed health care services, manicuring, massage, medical and pharmaceutical consultation, medical assistance services, medical clinics, medical information, medical services, medical testing, mental health services, nail care salons, nursing care, nursing homes, obstetric and gynecology services, operation of sauna facilities, ophthalmology services, optician services, optometry services, performing diagnosis of diseases, permanent hair removal and reduction; pet care services, namely, dog walking, dog bathing, non-medicated pet grooming; pet hospital services, physician services, plant care services, plant nurseries, preparation and dispensing of medications, providing health care information by telephone and the Internet, [providing information about beauty;] providing lavatories, bathrooms, changing tables for babies and sanitary towel dispensers; providing medical information, providing physical rehabilitation facilities, providing toilet services for individuals through the use of portable toilets; rehabilitation of alcohol addicted patients, drug addicted patients, and narcotic addicted patients, or any combination thereof; rental machines and apparatus for use in beauty salons or barbers' shops, rental of portable toilets, rental of potted plants, rental of sanitation facilities, rest homes, sanitariums, services of make-up artists, services rendered by a dietician, skin care salons, sperm banks, tanning salons, tattooing, tattooing of pets for identification purposes, teeth whitening services, tree care services, vermin extermination for agriculture, veterinary services, vitamin therapy, weed control, weight reduction diet planning and supervision, wreath making, yard care services. First Use: 2007/08/01. First Use In Commerce: 2008/02/07.

Prior Registration(s)

2692857;2940231;3128176;AND OTHERS

Filing Date

2007/02/02

Examining Attorney

RUBIN, LINDSEY

HONEYMOON

Print: Mar 6, 2009

77165927

DESIGN MARK

Serial Number

77165927

Status

REGISTERED

Word Mark

AMERICAN HEALTH CENTERS CHIROPRACTIC FITNESS REHABILITATION

Standard Character Mark

No

Registration Number

3397497

Date Registered

2008/03/18

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Lanham, Corp. CORPORATION KENTUCKY 1401 Winchester Avenue, Suite 502
Ashland KENTUCKY 41101

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Physician services; Chiropractic services; Chiropractics; Consulting services in the field of mental health and wellness; Consulting services in the field of women's health; Health care; Health care in the nature of health maintenance organizations; Health care services, namely, disease management programs; Health care services, namely, wellness programs; Health care, namely, assisting individuals to stop smoking; Health spa services for health and wellness of the body and spirit offered at a health resort; Health spa services for health and wellness of the mind, body and spirit offered in or from a remote, mobile or temporary on-site location; Health spa services, namely, cosmetic body care services; Home health care services; Managed health care services; Providing a website featuring information in the field of mental health and wellness; Providing assistance, fitness evaluation and consultation to corporate clients to help their employees make health, wellness and nutritional changes in their daily living to improve health; Providing health care information by

Print: Mar 6, 2009

77165927

telephone and the internet; Providing health information. First Use: 2004/01/15. First Use In Commerce: 2004/01/15.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AMERICAN HEALTH CENTERS, CHIROPRACTIC, FITNESS", AND "REHABILITATION" APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of the word "AMERICAN" in red, the words "HEALTH CENTERS" in gray, the words "CHIROPRACTIC FITNESS REHABILITATION" in red letters with red lines above and below, with a gray and white human image standing with arms outstretched with a red and gray ribbon circling the human image.

Colors Claimed

The color(s) red, white and gray is/are claimed as a feature of the mark.

Filing Date

2007/04/25

Examining Attorney

FAHRENKOFF PAUL E

Attorney of Record

Robert R. Waters



Print: Mar 6, 2009

77226420

DESIGN MARK

Serial Number

77226420

Status

REGISTERED

Word Mark

THE MALLOW CENTER

Standard Character Mark

Yes

Registration Number

3397811

Date Registered

2008/03/18

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Gary W. Mallow, M.D., P.A. CORPORATION FLORIDA Suite 1 9633 West
Broward Boulevard Plantation FLORIDA 33324

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Weight reduction diet planning and supervision; Physician services; Medical testing services, namely, fitness evaluation; Laser and IPL (intense pulse light) skin enhancement procedures; Microdermabrasion, namely, a topical skin treatment involving abrasion of the skin with a high-pressure flow of crystals; Skin treatment, namely, the injection of dermal fillers to reduce the appearance of facial fine lines; Providing laser therapy for treating medical conditions; Providing medical information; Providing medical information, consultancy and advisory services. First Use: 2005/05/01. First Use In Commerce: 2005/05/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CENTER" APART FROM THE MARK AS SHOWN.

Filing Date

Print: Mar 6, 2009

77226420

2007/07/10

Examining Attorney
CHANG, KATHERINE

Attorney of Record
Gilbert Lee Sandler

THE MALLOW CENTER

Print: Mar 6, 2009

77232337

DESIGN MARK

Serial Number
77232337

Status
REGISTERED

Registration Number
3551041

Date Registered
2008/12/23

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(2) DESIGN ONLY

Owner
Aesthetically Wright I, L.P. LIMITED PARTNERSHIP TEXAS 4012 Barnett
Drive Plano TEXAS 75024

Goods/Services
Class Status -- ACTIVE. IC 044. US 100 101. G & S: medical services, namely, laser hair removal, laser vein removal, sclerotherapy and microdermabrasion; skin care services, namely, botulinum toxin type A, hyaluronic acid, and collagen injections; cosmetic surgery, plastic surgery, cosmetic dentistry, dental surgery; cosmetic skin and hair care services, namely, chemical peels, acne treatments, microdermabrasion treatments, botulinum toxin type A, hyaluronic acid, and collagen injections, laser procedures for the removal of wrinkles, capillaries, red spots, brown spots, age spots, spider veins, facial and body hair, laser procedures for stimulating collagen production, evening skin tone and skin resurfacing; rendering consultation and advisory services in connection with skin care, hair care and dental services; beauty salon services; health spa services, namely, massage services and cosmetic body care services; cosmetic medical and surgical services and medical services for cosmetic purposes; cosmetic surgery; cosmetic dentistry and consulting services relating to the same; providing information in the field of facial aesthetic and anti-obesity surgery, cosmetic surgery, plastic surgery, microdermabrasion, laser treatments in the nature of sclerotherapy and hair removal, and treatment of fatty deposits using ultrasound; medical diagnostic services, namely, providing ultrasound screening and diagnosis, measurement of skin and hair condition; medical services for skin treatment, namely, dermatology clinic and skin

Print: Mar 6, 2009

77232337

health restoration medical procedures for physician- or nurse-practitioner-administered or directed exfoliation of skin and associated procedures for post-exfoliation treatment; hygienic and beauty services for skin, namely treatment, health restoration, care therapy, timed application of gels, cleansers, lighteners, exfoliants, blenders, toners and creams; skin care salon; skin massage therapy; health spa services for body and skin treatments, namely, massages, applications of lotions and compositions including skin lighteners, skin masks, antioxidant treatments, skin peels, preoperative skin care, post-operative camouflage make-up, deep cleansing facial treatments, manicures, pedicures, face and body waxing, hair design, color, perms and full body massage, facials; beauty salon services for providing hair care, hair coloring, manicures, pedicures, and makeup; medical services, namely, injection of medical injectables for cosmetic conditions and diseases. First Use: 2007/12/01. First Use In Commerce: 2007/12/01.

Description of Mark

The mark consists of an image of a butterfly with the black wings superimposed with the profile of a human face in the color white and with a red background. The graininess of the logo is a feature of the mark.

Colors Claimed

The color(s) red, white and black is/are claimed as a feature of the mark.

Filing Date

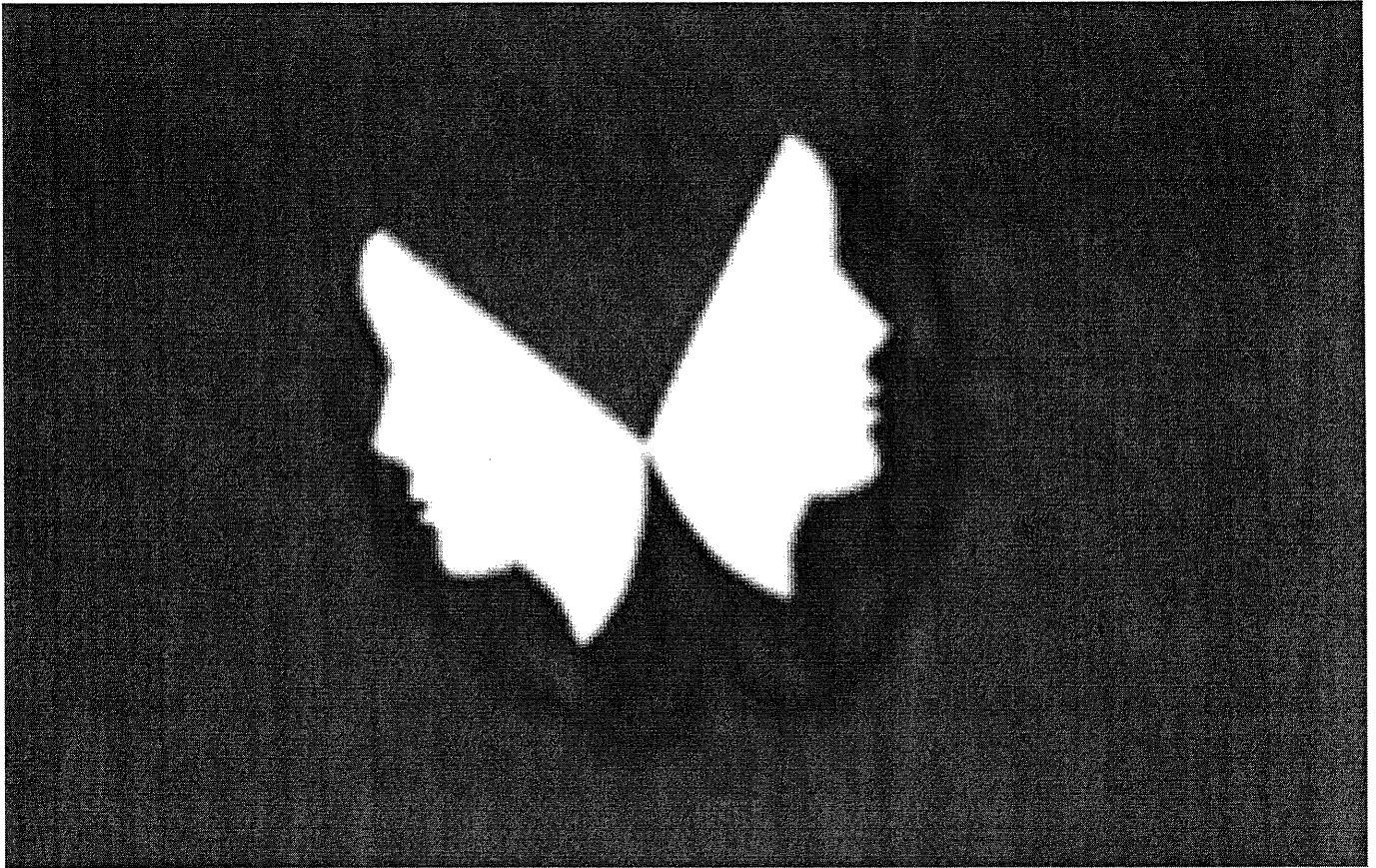
2007/07/18

Examining Attorney

FROMM, MARTHA

Attorney of Record

RICHARD L MORRIS JR ESQ



Print: Mar 6, 2009

77355138

DESIGN MARK

Serial Number

77355138

Status

REGISTERED

Word Mark

THE FUTURE OF HEALTHCARE IS HERE

Standard Character Mark

Yes

Registration Number

3476063

Date Registered

2008/07/29

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Trans4Med, PLLC DBA UCR Health Centers LIMITED LIABILITY COMPANY
ARIZONA 2815 S Alma School Rd. Ste. 7 Chandler ARIZONA 85286

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Acupuncture services; Ambulant medical care; Aromatherapy services; Body waxing services; Cosmetician services; Facial treatment services, namely, cosmetic peels; Health care services, namely, wellness programs; Health spa services, namely, cosmetic body care services; Medical clinics; Medical services, namely, pre-employment drug screening; Non-invasive cosmetic medical procedures; Occupational therapy services; Physician services; Preparation and dispensing of medications; Providing laser therapy for treating medical conditions; Urgent medical care centers. First Use: 2005/11/23. First Use In Commerce: 2005/11/23.

Filing Date

2007/12/18

Examining Attorney

KING, CHRISIE B.

The Future of Healthcare is Here

Print: Mar 6, 2009

78467462

DESIGN MARK

Serial Number

78467462

Status

REGISTERED

Word Mark

SCOTTSDALE HEALTHCARE

Standard Character Mark

Yes

Registration Number

3023404

Date Registered

2005/12/06

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Scottsdale Healthcare Corp. CORPORATION ARIZONA 7400 East Osborn Road
Scottsdale ARIZONA 85251

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Hospital services; medical services and medical clinics in the fields of oncology, cardiology, pediatrics, obstetrics, gynecology, occupational health, orthopedics, neurology, radiology, surgery, sleep disorders, diabetes management, women's health and wound management; counseling in the fields of nutrition, weight loss, stress management and behavior modification; psychological counseling; health care services, namely physician services, medical testing services, and nursing care services; home health care services; providing health and medical information to others via a searchable database on a website on the Internet; custom fitting of prosthetics; providing physical and mental rehabilitation; health spa services. First Use: 1998/02/09. First Use In Commerce: 1998/02/09.

Prior Registration(s)

2260132

Print: Mar 6, 2009

78467462

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HEALTHCARE" APART FROM THE MARK AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2004/08/13

Examining Attorney

GOLD, BARBARA

Attorney of Record

Kristie A. Deyerle, Esq.

SCOTTSDALE HEALTHCARE

Print: Mar 6, 2009

78468267

DESIGN MARK

Serial Number

78468267

Status

REGISTERED

Word Mark

PORTOFINO MEDICAL SPA, APPEARANCE, HEALTH, LONGEVITY

Standard Character Mark

No

Registration Number

3017652

Date Registered

2005/11/22

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

Reflections Medical Spa, LLC CORPORATION FLORIDA Third Floor Admin.
1000 West Moreno Street Pensacola FLORIDA 32501

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: medical spa providing cosmetic body care services and physician supervised medical treatments. First Use: 2004/06/10. First Use In Commerce: 2004/07/27.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE MEDICAL SPA, APPEARANCE, HEALTH and LONGEVITY APART FROM THE MARK AS SHOWN.

Description of Mark

The mark consists of an artistically rendered column in Teal underneath which is the word "Portofino" in Blue, underneath which is the phrase "Medical Spa" in teal, underneath which is the phrase "Appearance, Health, Longevity" in blue, with bullets in Teal.

Colors Claimed

The colors blue and teal are claimed as a feature of the mark.

Print: Mar 6, 2009

78468267

Part of Mark in Color

The column appears in Teal underneath which is the word "Portofino" in Blue, underneath which is the phrase "Medical Spa" in teal, underneath which is the phrase "Appearance, Health, Longevity" in blue, with bullets in Teal.

Filing Date

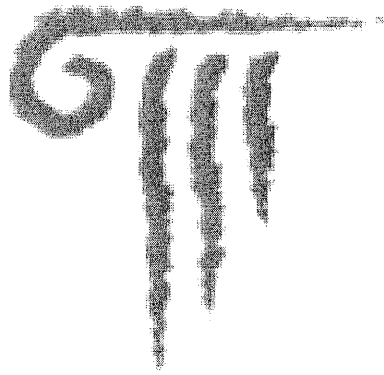
2004/08/16

Examining Attorney

MICHELI, ANGELA M.

Attorney of Record

Elizabeth C. Callahan



PORTOFINO

Medical Spa

Appearance • Health • Longevity

Print: Mar 6, 2009

78553441

DESIGN MARK

Serial Number

78553441

Status

REGISTERED

Word Mark

CINCINNATI CHIROPRACTIC

Standard Character Mark

Yes

Registration Number

3135078

Date Registered

2006/08/29

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Andrew Limle, D.C. LIMITED LIABILITY CORPORATION OHIO 4021 Harrison Avenue Cincinnati OHIO 45211

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Acupuncture; Acupuncture services; addiction treatment services; aromatherapy services; Chiropractic Services; Chiropractics; Consultation services in the field of the first aid needs of commercial and industrial companies; dietary and nutritional guidance; dietician service; emergency medical assistance; food nutrition consultation; health care; health care in the nature of health maintenance organizations; health spa services for health and wellness of the body and spirit offered at a health resort; health spa services, namely, cosmetic body care services; information relating to massage; leasing of medical equipment; maintaining files and records concerning the medical condition of individuals; maintaining personal medical history records and files; managed health care services; massage; medical assistance consultancy provided by doctors and other specialized medical personnel; medical clinics; medical consultations; medical counseling; medical evaluation services, namely, functional assessment program for patients receiving medical rehabilitation services for purposes of

Print: Mar 6, 2009

78553441

guiding treatment and assessing program effectiveness; medical imaging services; medical information; medical services; medical testing; nutritional counseling; occupational therapy services; performing diagnosis of diseases; physical rehabilitation; physical therapy; physician services; providing health care information by telephone; providing health information; providing information about dietary supplements and nutrition; providing medical information; providing physical rehabilitation facilities; rental of medical equipment; rental of medical machines and apparatus; services rendered by a dietitian; treatment to a joint-dislocation, sprain, bone-fracture or the like. First Use: 2001/05/11. First Use In Commerce: 2001/05/11.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHIROPRACTIC" APART FROM THE MARK AS SHOWN.

Section 2f Statement

2(F) ENTIRE MARK

Filing Date

2005/01/25

Examining Attorney

KING, LINDA

CINCINNATI CHIROPRACTIC

Print: Mar 6, 2009

78685191

DESIGN MARK

Serial Number

78685191

Status

REGISTERED

Word Mark

CHLI

Standard Character Mark

Yes

Registration Number

3205192

Date Registered

2007/02/06

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

California Health & Longevity Institute, Inc. CORPORATION CALIFORNIA
4250 Wilshire Blvd. Los Angeles CALIFORNIA 90010

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Acupuncture, acupuncture services, addiction treatment services, chiropractic services, chiropractics, collection and preservation of human blood, medical clinical services, colonic treatments, cosmetic and plastic surgery, emergency medical assistance, food nutrition consultation, genetic testing for medical purposes, health care, health care in the nature of health maintenance organizations, health care, namely assisting individuals to stop smoking, home health care services, health spa services for health and wellness of the body and spirit offered at a health resort, health spa services, namely cosmetic body care services, hospital inpatient services, maintaining files and records concerning the medical conditions of individuals, maintaining personal medical history records and files, managed health care services, massage, medical and pharmaceutical consultation, medical assistance consultancy provided by doctors and other specialized medical personnel, medical clinic day care services for sick children, medical clinics, medical consultation, medical counseling, medical

Print: Mar 6, 2009

78685191

evaluation services, namely, function assessment program for patients receiving medical rehabilitation services for purposes of guiding treatment and assessing program effectiveness, medical imaging services, medical information, medical services, namely, in vitro fertilization, medical testing, medical testing services, namely, fitness evaluation, mental health counseling and psychotherapy as it relates to relationships, mental health services, nursing care, nutrition counseling, obstetric and gynecological services, operation of sauna facilities, ophthalmology services, optometry services, hospital outpatient services, performing diagnosis of diseases, pharmaceutical advice, physical rehabilitation, physical therapy, physician services, preparation and dispensing of medicine, prescription refill reminder services, primary care and specialty care medical services, providing health care information by telephone, providing health care information, providing hot tub facilities, providing information about dietary supplements and nutrition, providing medical information, providing mental rehabilitation facilities, providing physical rehabilitation facilities, psychiatric consulting, psychiatric services, psychiatric testing, psychological consulting, psychological counseling, psychological services in the field of sports, psychological testing services, psychological testing, psychological tests, rehabilitation of alcohol addicted patients, rehabilitation of drug addicted patients, relaxation therapy, remote monitoring of data indicative of the health or conditions of an individual or group of individuals, skin treatment, namely injection of dermal fillers to reduce the appearance of facial fine lines, speech and hearing therapy, surgery, telemedicine, treatment to joint-dislocation, sprain, bone-fracture or the like, urgent medical care centers, X-ray technician services. First Use: 2004/01/23. First Use In Commerce: 2004/02/11.

Filing Date

2005/08/03

Examining Attorney

EVANS, ANDREA

Attorney of Record

David C. Meyer, Esq.

CHLI

Print: Mar 6, 2009

78970943

DESIGN MARK

Serial Number

78970943

Status

REGISTERED

Word Mark

THE FEEL OF A SPA...THE CARE OF A PHYSICIAN.

Standard Character Mark

Yes

Registration Number

3256499

Date Registered

2007/06/26

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Luminous Center for Skin and Body PC CORPORATION NEW JERSEY 110 Marter Ave., Suite 508 Moorestown NEW JERSEY 08057

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health spa services for health and wellness of the body and spirit offered at a health resort; Health spa services, namely, cosmetic body care services; Physician services. First Use: 2006/05/01. First Use In Commerce: 2006/05/01.

Filing Date

2006/09/10

Examining Attorney

BALDWIN, SCOTT

THE FEEL OF A SPA...THE CARE
OF A PIIYSICIAN.

Print: Mar 6, 2009

78322779

DESIGN MARK

Serial Number

78322779

Status

REGISTERED

Word Mark

MONA SPA AND LASER CENTER

Standard Character Mark

Yes

Registration Number

2979485

Date Registered

2005/07/26

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Mona Spa and Laser Center of Memphis, LLC LIMITED LIABILITY COMPANY
TENNESSEE Suite 102 5101 Sanderlin Centre Memphis TENNESSEE 38117

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: health spa services, laser skin treatment and massage services, laser hair removal, laser vascular treatment, facials and cosmetic body care services. First Use: 2003/07/31. First Use In Commerce: 2003/07/31.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPA AND LASER CENTER" APART FROM THE MARK AS SHOWN.

Filing Date

2003/11/04

Examining Attorney

SOMERVILLE, ARETHA

Attorney of Record

Scott K. Haight

MONA SPA AND LASER CENTER

Print: Mar 6, 2009

78431844

DESIGN MARK

Serial Number

78431844

Status

REGISTERED

Word Mark

HEALING WATERS DAY SPA

Standard Character Mark

No

Registration Number

3020121

Date Registered

2005/11/29

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Healing Waters Medical Day Spa, LC LIMITED LIABILITY COMPANY KANSAS
4817 East Douglas, Suite 200 Wichita KANSAS 67208

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health spa services, namely, cosmetic body care services; massage services; laser hair removal; laser skin resurfacing; laser vein therapy; facial rejuvenation therapy, namely microdermabrasion, sclerotherapy, laser wrinkle reduction, chemical peels for skin, skin photorejuvenation, and hypodermic injections of collagen, dermalogen, or hyaluronic acid; cosmetic and reconstructive facial surgery; holistic and alternative healing through hands-on massage therapies; body waxing; cosmetic electrolysis; and cellulite reduction treatments using light and radio wave frequencies. First Use: 2002/05/09. First Use In Commerce: 2002/05/09.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "day spa" APART FROM THE MARK AS SHOWN.

Description of Mark

Print: Mar 6, 2009

78431844

The mark consists of the words HEALING WATERS in a stylized script font. The H of Healing and the W of Waters are capitalized and the rest of the letters appear in lower case letters. Below the letters "ers" of Waters, in a smaller stylized font, are the words "day spa" in lower case letters.

Filing Date
2004/06/08

Examining Attorney
BRECKENFELD, WILLIAM

Attorney of Record
Kimberly A. Wingate

Healing Waters
day spa

Print: Mar 6, 2009

78575871

DESIGN MARK

Serial Number

78575871

Status

REGISTERED

Word Mark

HEBE MEDSPA, GODDESS OF ETERNAL YOUTH

Standard Character Mark

Yes

Registration Number

3336096

Date Registered

2007/11/13

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

HEBE MEDSPA, A NURSING CORPORATION CORPORATION CALIFORNIA 4275 E.
Summer Creek Lane Anaheim Hills CALIFORNIA 92807

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: health spa services, namely cosmetic body care services, laser hair removal, photo-rejuvenation, intense pulse light (IPL), laser vein removal treatment, sclerotherapy, mesotherapy, body contouring, localized fat reduction, cellulite and pain management, lymphatic drainage, endomology, non-surgical skin tightening, medical, non-surgical fat reduction, laser tattoo removal, wellness and therapeutic massage therapy, micropigmentation and permanent make-up application, medical grade facials, chemical peel, microdermabrasion. First Use: 2005/01/01. First Use In Commerce: 2005/01/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MED SPA" APART FROM THE MARK AS SHOWN.

Translation Statement

The foreign wording in the mark translates into English as "Goddess of

Print: Mar 6, 2009

78575871

Youth".

Filing Date
2005/02/27

Examining Attorney
PERRY, KIMBERLY

HEBE MEDSPA, GODDESS OF ETERNAL YOUTH

Print: Mar 6, 2009

78599199

DESIGN MARK

Serial Number

78599199

Status

REGISTERED

Word Mark

NARA

Standard Character Mark

Yes

Registration Number

3116592

Date Registered

2006/07/18

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Jokove Image Enhancement, Inc. CORPORATION MASSACHUSETTS 1 Surro Drive
Framingham MASSACHUSETTS 01701

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health spa services, namely, cosmetic body care services, massages, application of permanent make-up, and cosmetic medical services through physicians, namely, cosmetic and laser treatments, application of wrinkle removing skin care preparations, laser hair removal, intense-pulse-light skin rejuvenation, facials, and microdermabrasion.
First Use: 2005/03/01. First Use In Commerce: 2005/03/01.

Filing Date

2005/03/31

Examining Attorney

PERRY, KIMBERLY

NARA

Print: Mar 6, 2009

78610394

DESIGN MARK

Serial Number
78610394

Status
REGISTERED

Word Mark
RÉJOUÏ

Standard Character Mark
Yes

Registration Number
3175363

Date Registered
2006/11/21

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner

Sean, Harap INDIVIDUAL UNITED STATES 11 Waldron Street Marblehead
MASSACHUSETTS 01945

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Providing medical services for the skin, namely, laser hair removal and reduction, pulsed light hair removal and reduction, laser vein and telangiectasia removal and reduction, skin rejuvenation, photofacial rejuvenation, microdermabrasion, removal of tatoos and pigmented lesions, collagen, restylane and botox injections, laser skin resurfacing, rosacea and acne therapy; health spa services, namely, cosmetic body care services, traditional facials, hydrotherapy, manicure, pedicure and reflexology; massage; acupuncture. First Use: 2006/06/01. First Use In Commerce: 2006/06/01.

Filing Date
2005/04/16

Examining Attorney
FELDMAN, DAWN

Réjouï

Print: Mar 6, 2008

78665242

DESIGN MARK

Serial Number

78665242

Status

REGISTERED

Word Mark

BRAZILIA SKIN CARE

Standard Character Mark

Yes

Registration Number

3111806

Date Registered

2006/07/04

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Excelg Esthetician, Inc. CORPORATION CALIFORNIA 4901 Morena Boulevard,
Suite 505 San Diego CALIFORNIA 92117

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health spa
services, namely, cosmetic body care services; massage; skin care
salons; tanning salons; and laser treatments in the nature of skin
care and hair removal. First Use: 2002/02/00. First Use In Commerce:
2002/02/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SKIN CARE" APART FROM
THE MARK AS SHOWN.

Filing Date

2005/07/07

Examining Attorney

WAHLBERG, STACY

Attorney of Record

Print: Mar 6, 2009

78665242

James C. Wray

BRAZILIA SKIN CARE

Print: Mar 6, 2009

78752779

DESIGN MARK

Serial Number

78752779

Status

REGISTERED

Word Mark

SPA JA

Standard Character Mark

Yes

Registration Number

3158063

Date Registered

2006/10/17

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Coleman, James S. INDIVIDUAL UNITED STATES 1A 26 E 105th St New York
NEW YORK 10029

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health spa services, beauty salon services and cosmetic body care services, namely, massage, skin care, body waxing, body wraps, cellulite treatment, facials, laser hair removal, manicure, pedicure, eyebrow shaping, eyebrow coloring, eyelash extensions, eyelash coloring, eyelash curling and tanning. First Use: 2005/06/01. First Use In Commerce: 2005/06/01.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "spa" APART FROM THE MARK AS SHOWN.

Translation Statement

The foreign wording in the mark translates into English as Spa Now.

Filing Date

2005/11/13

Print: Mar 6, 2009

78752779

Examining Attorney
MCMORROW, RONALD

Spa Ja

Print: Mar 6, 2009

78766961

DESIGN MARK

Serial Number

78766961

Status

REGISTERED

Word Mark

FRESH MEDSPA

Standard Character Mark

Yes

Registration Number

3383035

Date Registered

2008/02/12

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CHIERICO, GARY C. INDIVIDUAL UNITED STATES 2409 DESOTA DRIVE FORT
LAUDERDALE FLORIDA 33301

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Medical services; Non-invasive cosmetic procedures and treatments, namely, skin peels and chemical peels, and laser hair removal; Health spa services for health and wellness of the body and spirit offered at a health resort; Health spa services, namely, cosmetic body care services, laser hair removal services; Massage Services; Salon services, namely, facials, manicures and massages; Weight reduction diet planning and supervision; Microdermabrasion, namely, a topical skin treatment involving abrasion of the skin with a high-pressure flow of crystals; skin peels and chemical skin peels; Photorejuvenation skin treatment services, namely, a process where wrinkles and age spots and sub spots are treated and removed with pulses of light; Skin care salon services; Skin treatment services, namely, the injection of dermal fillers to reduce the appearance of facial fine lines; Sclero therapy services to reduce the visibility of veins, namely, injecting saline into veins to dissolve the vein and/or cause them to fade; Teeth whitening services; Laser cellulite

Print: Mar 6, 2009

78766961

reduction services; Permanent make-up services. First Use:
2007/06/00. First Use In Commerce: 2007/06/00.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "medspa" APART FROM THE
MARK AS SHOWN.

Filing Date

2005/12/05

Examining Attorney

DUBRAY, KATHERINE M.

Attorney of Record

RICHARD L MORRIS JR

PRESH MEDSPA

Print: Mar 6, 2009

78816330

DESIGN MARK

Serial Number

78816330

Status

REGISTERED

Word Mark

VIVID HAIR & SKIN CO.

Standard Character Mark

No

Registration Number

3193187

Date Registered

2007/01/02

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Vivid Hair & Skin Co. LLC LIMITED LIABILITY COMPANY WISCONSIN Suite 9B
2900 Deerfield Avenue Janesville WISCONSIN 53546

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Beauty salon services and spa services, namely facial, hair and body treatments, nail salon services, massage services, cosmetic body care services, body waxing services, laser treatments, namely hair removal and laser skin and wrinkle treatments, hair styling services, make-up application services, beauty consultation services, and skin care services. First Use: 2005/07/20. First Use In Commerce: 2005/07/20.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAIR & SKIN CO." APART FROM THE MARK AS SHOWN.

Filing Date

2006/02/16

Examining Attorney

BUSH, KAREN K.

Print: Mar 6, 2009

78816330

Attorney of Record
Sarah A. Crain

VIVID
HAIR & SKIN CO.

Print: Mar 6, 2009

78820950

DESIGN MARK

Serial Number
78820950

Status
REGISTERED

Word Mark
ULTIMATE SOLUTIONS MEDICAL SPA

Standard Character Mark
Yes

Registration Number
3201381

Date Registered
2007/01/23

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Jose, Jennifer G INDIVIDUAL UNITED STATES 16 Platt Street, Unit #2
Norwalk CONNECTICUT 06855

Goods/Services
Class Status -- ACTIVE. IC 044. US 100 101. G & S: Medical spa services, namely, injection of dermal fillers to reduce the appearance of facial fine lines, laser hair removal, intense pulse light treatments and cosmetic body care services, all provided at a medical spa facility. First Use: 2004/09/01. First Use In Commerce: 2004/09/01.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDICAL SPA" APART FROM THE MARK AS SHOWN.

Filing Date
2006/02/22

Examining Attorney
GOODMAN, WENDY

Ultimate Solutions Medical Spa

Print: Mar 6, 2009

78846230

DESIGN MARK

Serial Number

78846230

Status

REGISTERED

Word Mark

DENTSPA THE KEY TO BEAUTY

Standard Character Mark

No

Registration Number

3302035

Date Registered

2007/10/02

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner

DentSpa Inc. CORPORATION OREGON 2127 NW Miller Road Portland OREGON
97229

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Dentist services, namely providing temporomandibular joint therapy, dental bonding services, dental veneers services, mercury-free reconstructive dentistry, ultra-sonic scaling, tooth extraction, sealants services, fluoride treatment, inlays and onlays services, crowns services, bridges services, family dentistry, dental implants services, intra-oral camera services; cosmetic dentistry services, namely, teeth whitening, dental make over services, dental restoration; general dentistry services; Dental hygienist services; Medical services, namely digital radiography services, aesthetic medicine services; Nail care salons; Skin care salons; dermatology salon services, namely, body treatments; facial treatments; Salon services, namely, facials, manicures, pedicures and massages; Health spa services, namely, cosmetic body care services; Health spa services for health and wellness of the body and spirit offered at a salon; medical spa services, namely administering, tissue augmenting gel, laserdermology treatments, dermagenetic DNA customized treatment, vascular

Print: Mar 6, 2009

78846230

treatments, photo facial treatments, laser hair removal treatments, photo rejuvenating treatments; esthetic beauty salon services, namely administering microdermabrasion, glycolic acid peel, jessner's peel, non-resorcinol peel, clinical intensive peel, sensitive sensibilities facials, hydrating facials, classic 4-layer facials, phyto-marine renewal facial, express facial, teen facials, earth glow stone facial, collagen facial, acne-proned skin treatment for the face and back; waxing; beauty salons services, namely professional make-up services; chiropractic services; Naturopathy services and wellness services, namely natural medicine, health treatment using clinical nutrition, herbal medicine, homeopathy, physical medicine and hydrotherapy; Administering ophthalmic muscle relaxants; acupuncture services.
First Use: 2006/02/00. First Use In Commerce: 2006/02/00.

Description of Mark

The mark consists of the words DentSpa the key to beauty with an image of a leaf behind a portion of the word DentSpa.

Filing Date

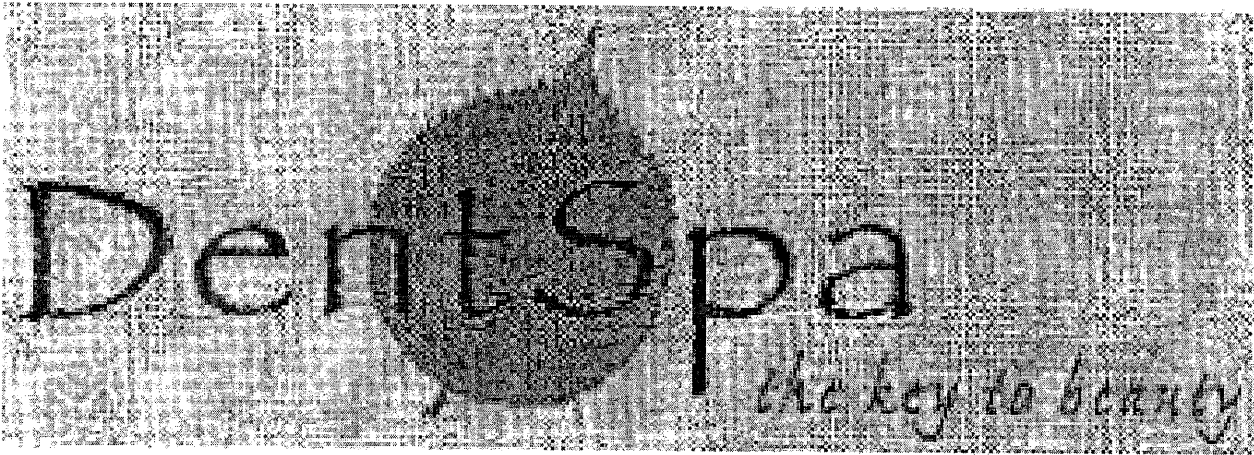
2006/03/25

Examining Attorney

FATHY, DOMINIC

Attorney of Record

James H. Walters



Print: Mar 6, 2009

78933008

DESIGN MARK

Serial Number
78933008

Status
REGISTERED

Word Mark
INTELLIGENT BEAUTY

Standard Character Mark
Yes

Registration Number
3244808

Date Registered
2007/05/22

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Permit Partners LIMITED LIABILITY COMPANY FLORIDA 5201 North Port
Washington Road Milwaukee WISCONSIN 53217

Goods/Services
Class Status -- ACTIVE. IC 044. US 100 101. G & S: Medical spa services, namely, laser rejuvenation treatments, non-ablative laser treatments, anti-aging skin treatments, laser hair removal, laser vein treatments, facial treatments, body exfoliating treatments, body masks and wraps, make-up application, waxing and tinting, plastic surgery consultations, permanent make-up application, microdermabrasion, cellulite treatments, chemical peels, and collagen, botox and other injections. First Use: 2001/04/01. First Use In Commerce: 2001/04/01.

Filing Date
2006/07/19

Examining Attorney
OH, WON TEAK

Attorney of Record

Print: Mar 6, 2009

78933008

Clare M. Iery

INTELLIGENT BEAUTY

Print: Mar 6, 2009

78935338

DESIGN MARK

Serial Number

78935338

Status

REGISTERED

Word Mark

EVOLUTIONS MEDICAL SPA

Standard Character Mark

Yes

Registration Number

3294074

Date Registered

2007/09/18

Type of Mark

TRADEMARK; SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Evolutions Medical Spa, LLC CORPORATION CALIFORNIA 2323 De La Vina Street, Suite 101 Santa Barbara CALIFORNIA 93105

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin creams; Non-medicated sun care preparations; Skin care products, namely, non-medicated skin serum. First Use: 2005/12/06. First Use In Commerce: 2006/05/22.

Goods/Services

Class Status -- ACTIVE. IC 044. US 100 101. G & S: Health spa services, namely, cosmetic body care services; Medical services, namely, skin analysis, laser hair removal, laser/light-based skin rejuvenation, injection of botulinum toxin type A, injectable fillers, mechanical skin exfoliation, body contouring, skin tightening, cellulite reduction, hyperhidrosis treatment, acne treatment, vein treatment and medical peels. First Use: 2005/12/06. First Use In Commerce: 2005/12/06.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Medical Spa" APART

Print: Mar 6, 2009

78935338

FROM THE MARK AS SHOWN.

Filing Date

2006/07/21

Examining Attorney

BOULTON, KELLY

Evolution's Medical Spa

Print: Jan 5, 2009

77211285

DESIGN MARK

Serial Number
77211285

Status
REGISTERED

Word Mark
RD REFLECTIONS DERMATOLOGY & CENTER FOR SKIN CARE

Standard Character Mark
No

Registration Number
3460732

Date Registered
2008/07/08

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner
Reflections Dermatology & Center for Skin Care LIMITED LIABILITY
COMPANY FLORIDA 875 Outer Road Orlando FLORIDA 32814

Goods/Services
Class Status -- ACTIVE. IC 044. US 100 101. G & S: Physician
services. First Use: 2005/00/00. First Use In Commerce: 2006/00/00.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DERMATOLOGY & CENTER
FOR SKIN CARE" APART FROM THE MARK AS SHOWN.

Description of Mark
The mark consists of a green lower case "r", combined with a brown
lower case "d"; both of which are next to a green "Reflections", brown
"Dermatology" and blue "& Center for Skin Care".

Colors Claimed
The color(s) green, brown, and blue is/are claimed as a feature of the
mark.

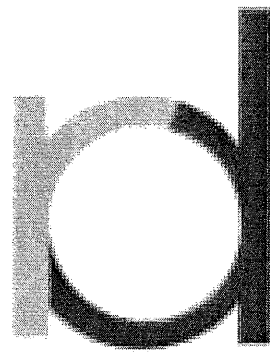
Filing Date

Print: Jan 5, 2009

77211285

2007/06/20

Examining Attorney
COLLINS, ALICIA



REFLECTIONS
DERMATOLOGY
& Center for Skin Care

Print: Jan 5, 2009

78761613

DESIGN MARK

Serial Number
78761613

Status
REGISTERED

Word Mark
REFLECTIONS ·MEDSPA·

Standard Character Mark
No

Registration Number
3216579

Date Registered
2007/03/06

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner
Reflections Medspa LLC LIMITED LIABILITY COMPANY COLORADO 432 WCR 66
Fort Collins COLORADO 80524

Goods/Services
Class Status -- ACTIVE. IC 043. US 100 101. G & S: Spa services, namely, providing temporary accommodations and meals to clients of a health or beauty spa. First Use: 2005/09/14. First Use In Commerce: 2006/01/15.

Disclaimer Statement
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDSPA" APART FROM THE MARK AS SHOWN.

Description of Mark
The mark consists of a gold oval with the wording "REFLECTIONS MEDSPA" appearing inside in black.

Colors Claimed
The color(s) gold and black is/are claimed as a feature of the mark.

Filing Date

Print: Jan 5, 2009

78761613

2005/11/28

Examining Attorney
SOUDERS, MICHAEL



P-7



Lerner David Littenberg
Krumholz & Mentlik LLP
600 South Avenue West
Westfield, NJ 07090
908 654 5000 main
lernerdavid.com

Gregg A. Paradise
908.518.6323
gparadise@lernerdavid.com

September 12, 2016

VIA E-MAIL (newreflectionsps@gmail.com)
CONFIRMATION VIA FIRST CLASS MAIL
Dr. Nikesh K. Patel, MD
New Reflections Plastic Surgery
1001 West Main Street
Freehold, New Jersey 07728

**CONFIRMATION
COPY**

Re: REFLEC 4.1-002
Infringement of Reflections Center for Skin and Body, PC trademark
rights by New Reflections Plastic Surgery

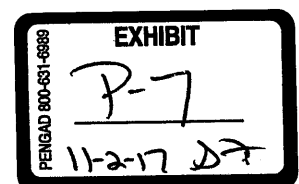
Dear Dr. Patel:

Our firm is counsel to Reflections Center for Skin and Body, PC ("Reflections"). We write on behalf of Reflections concerning your use of our client's REFLECTIONS trademark in connection with the sales and marketing of plastic surgery and other skin treatment services.

Our client is the owner of the REFLECTIONS trademark. Our client's ownership of REFLECTIONS is plainly established by its New Jersey state trademark registration covering the mark. To this end, we direct your attention to New Jersey State Trademark Registration No. 20852 (Registered November 16, 2001). (A copy of the registration is enclosed.) The REFLECTIONS mark covers, among other things, skin and body treatment services, including microderm abrasion, body/skin treatments and massages. This registration evidences Reflections' exclusive right to use its REFLECTIONS mark in connection with the identified services in at least the state of New Jersey. Moreover, our client has continuously used the REFLECTIONS mark since at least as early as 2000 in connection with the identified services and others.

It is our understanding that you are using the REFLECTIONS mark on at least your web page at www.newreflectionsps.com. Your use of the REFLECTIONS mark in connection with plastic surgery and skin treatment services, services nearly identical to those of our client, constitutes infringement of our client's rights, as well as an act of unfair competition. Your actions would likely confuse consumers into believing that there is some affiliation, connection, or association between your company and our client. We further understand that you recently adopted a new distinctive font for your REFLECTIONS name in your advertising materials. This font and stylization is remarkably similar to that used for many years by our client. This font use further exacerbates the likelihood of consumer confusion.

Accordingly, our client demands that you: (1) immediately and permanently cease and desist any and all use of the infringing REFLECTIONS trademark and/or any confusingly





Dr. Nikesh K. Patel, MD

September 12, 2016

Page 2

similar variations of same on your website and anywhere else; and (2) agree in writing not to use any trademarks likely to cause confusion with our client's rights, or take any other action likely to cause confusion as to any affiliation, connection or association between your company and Reflections. However, notwithstanding the demands set forth above, our client recognizes that you are operating your business using a name that includes the REFLECTIONS mark. Therefore, if you act promptly to resolve this matter, our client is willing to allow you a reasonable amount of time to transition to the use of another business name.

If you are prepared to promptly agree to these terms, our client is confident that this matter can be promptly resolved. However, please do not misconstrue our client's hope for an amicable and prompt resolution with lack of resolve. To this end, our client expects to receive your response to this letter by no later than **September 26, 2016**. Failure to respond to this letter will force Reflections to consider any and all legal remedies available to protect the goodwill of its trademark.

We look forward to hearing from you promptly. If you have any questions, please contact us. Alternatively, please provide the name and contact information for your legal counsel, or invite them to contact us directly.

This letter is sent without prejudice to any and all other rights and remedies which Reflections may have in connection with the above-referenced matter, which are hereby expressly reserved.

Sincerely yours,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

A handwritten signature in dark ink, appearing to read 'Gregg A. Paradise'.

GREGG A. PARADISE

GAP/pm
Enclosure

I, THE TREASURER THE STATE OF NEW JERSEY, DO HEREBY
CERTIFY THAT

REFLECTIONS OF LIVINGSTON, LLC
299 EAST NORTHFIELD ROAD
LIVINGSTON NJ 07039

DID ON THE 16TH DAY OF NOVEMBER A.D. 2001 FILE IN THIS
DEPARTMENT

SERVICE MARK

MARK REG NUM : 20852

REFLECTIONS

SKIN AND BODY TREATMENT SERVICES, INCLUDING MICRODERM
ABRASION, BODY/SKIN TREATMENTS, MASSAGES, ETC

CLASSIFICATION GROUP : SERVICES

CLASS : 042 MISCELLANEOUS

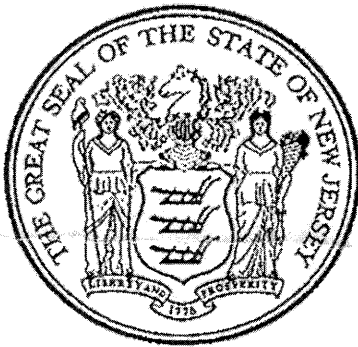
REGISTRATION DATE: 11/16/2001

EXPIRATION DATE: 11/16/2016

DATE OF FIRST USE IN NEW JERSEY: 12/01/2000

DATE IN USE ELSEWHERE:

AS BY THE STATUTES OF THIS STATE REQUIRED.



IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SET MY HAND AND AFFIXED
MY OFFICIAL SEAL AT TRENTON, THIS
2ND DAY OF FEBRUARY
A.D. 2012 .

A handwritten signature in black ink, appearing to read "Andrew P. Sidamon-Eristoff".

Andrew P Sidamon-Eristoff
State Treasurer

Certificate Number: 122931404

Verify this certificate online at

http://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp